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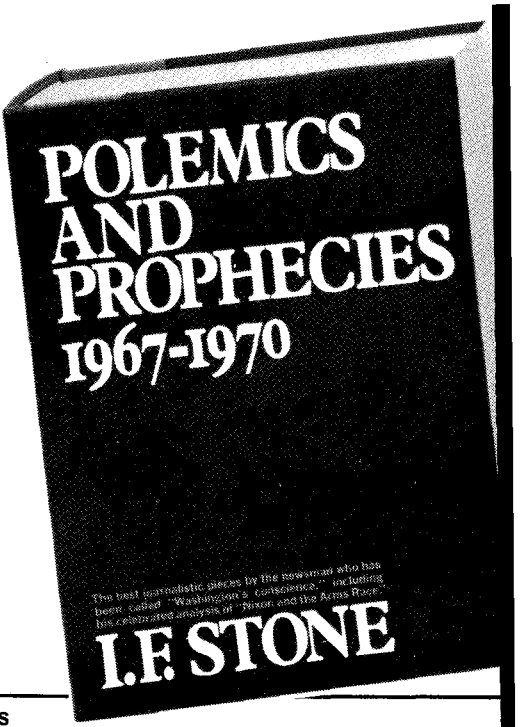

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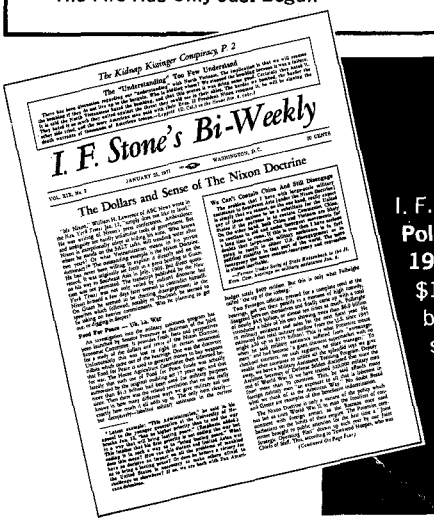
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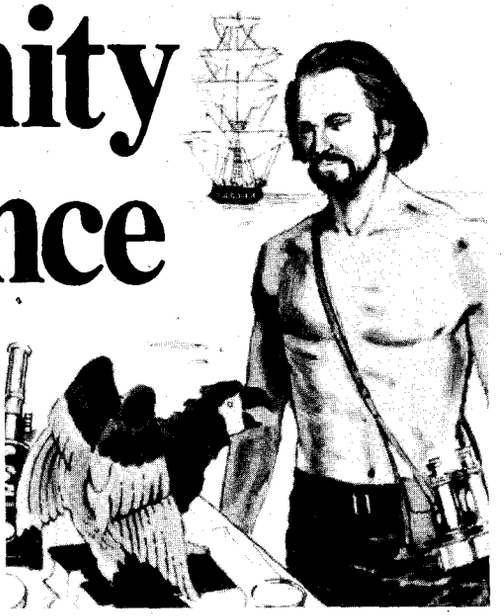
The day humanity lost its innocence



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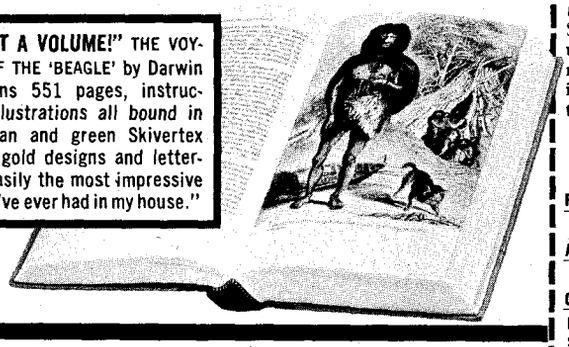

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A PUBLIC SERVICE LEGAL OPINION about

YOUR CHILD'S HAZARDOUS TOYS

Following a law suit brought by this Law Firm (*Consumers Union and Children's Foundation* v. *Secretary of HEW*), the Food and Drug Administration found that 38 toys are unreasonably dangerous to children.

The law says that you have a right to return these toys to the store that sold them to you for a full refund of the purchase price.

In our opinion, YOU HAVE THE RIGHT TO GET THE TOYS OUT OF YOUR HOME AND GET YOUR MONEY BACK, RIGHT NOW, despite continued heel-dragging by the FDA and the toy manufacturers in preparing regulations.

Does your child's toybox contain any of these toys that can kill and maim children?

Champion Ring Darts (Haecker Industries)
King Model 1700 Lawn Darts (King Athletic Goods, Inc.)
Javelin Darts (Hasbro Industries)
Lawn Dart (Regent Sports Co.)
Rocket Lawn Dart Set (Town & Country Game Ltd.)
Squeeze "Zoo Zee" (Stahlwood Manufacturing Co.)
"Dizzy Doodle" Doll (Parksmith Corp.)
Rubber squeeze toy football player (Leisure Group)
Kooky Eyes (Azrak-Henway)
Plakai Toy Rolling Pin squeeze toy
Squeeze Toy Pig (J.L. Prescott Co.)
Little Angel Play Ball (Childhood Interests)
Toys for Fun squeeze doll (J.L. Prescott)
Toy Poodle rubber squeeze toy (J.L. Prescott)
Blue Fox Model Youngster Archery Set (Bear Archery Co.)
Fleetwood Archery Cub Archery Set (Fleetwood Archery)
Jerry Pets Stuffed Poodle (Jerry Elsner Co.)
Stuffed Toy Cat (Jensen, Inc.)
"Kooky Eyes" Squeeze Doll (Uneeda Doll Co.)
Star Musical Rattle (Star Manufacturers)
Tumbler Ball Toy (Stahlwood Toy Co.)
"Honey Baby" Doll (P & M Doll Co.)
"Baby Beth" Doll (Allied Doll & Toy Corp.)
"I Cry Mama" Doll (Goldberger Doll Co.)
Little Sophisticate Doll Model #79000 (Uneeda Doll Corp.)
"Candy at Play" Doll (Funworld, Inc.)
"Your Dream Bride" Doll #2080 (Eugene Doll Co.)
"Mini Bend-a-Family" Doll (Pennsick & Godon)
Toy Basket (Funworld, Inc.)
"Jiggly" Rattle (Romar Co.)
"Magic Action Hammer" (Childhood Interests)
Jackie Twisting Waist Doll (Funworld, Inc.)
"Moody" Doll (Holiday Fair, Inc.)
Stuffed Head (George Jensen, Inc.)
Stuffed Toy Dog or Doll (LaMar Toy Co.)
"New Born Baby" T. 80 (Goldberger Doll Co.)
Toy Telephone Rattle (Childhood Interests)
Musical Merry-Go-Round Canelon (F. W. Woolworth)

If the answer is Yes, you can:

- Demand a full refund for the toy from your toy dealer. (You might want to take this Opinion along with you.)
- Call or write this office for further information or legal assistance if your dealer refuses to give you a refund.

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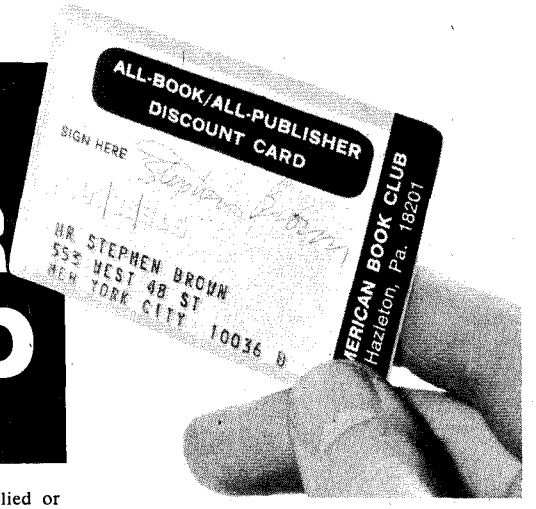

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Here We Come, Otto

The other day on a New Jersey highway two women stopped their car at a red light and the car behind crashed into them with terrific force. The first car caught fire and the doors were bent and wouldn't open, so the girls were dragged out through the windows. One of them was not severely burned but the other, the wife of a third-year medical student, is still in the hospital. The cost of hospital care, room and board, now averages $70 a day for the nation as a whole, but in big cities like New York it is $100. One hundred dollars a day; think it over. Yes, there's some insurance; yes, they may collect damages from the yahoo who fell asleep but, even so, there is need at the hospital in this case for intensive care, medicine, skin grafts; the young husband of the girl will be lucky if he starts his medical practice with no greater burden of debt than $50,000.

A spectacular instance, of course. But suppose it had been some family down the block and instead of a dramatic accident a prosaic lingering illness. The fact is that most American families would be financially destroyed if they faced a serious and protracted sickness.

The problem is far greater than accidents or catastrophic illness; it is national health in all aspects. The US is the only industrial country on earth that doesn't have some kind of national health insurance. Otto von Bismarck introduced health insurance in 1882 in Germany, almost 90 years ago, and the US doesn't have it yet.

The most powerful drive for national health insurance in the history of the country gets under way here this week in the Senate health subcommittee under Edward Kennedy. Presumably it will start with Administration testimony on the new Nixon program. Mr. Nixon has come a long way on the issue and many of his proposals are to be commended; but the difference between them and the comprehensive health insurance program backed by Kennedy and 22 other co-sponsors is the difference between a handful of aspirins and open heart surgery.

In the Senate Kennedy backs the program; in the House, Rep. Martha Griffiths of Michigan. Mrs. Griffiths' admirable sentiments are reenforced in moments of stress by a voice like a chain saw hitting a pine knot. She is a powerful sponsor. As for Ted Kennedy he has a special role. We have watched him wonderingly. When he enters to take his place at a hearing everybody stops talking. There is a little pause. People crane. So that's Teddy! They think about different things. Chappaquiddick, Jack Kennedy and Camelot. Bobby Kennedy and the murder in the hotel kitchen. And now this Kennedy, the last . . . (It's a digression, but somehow or other we have always felt that he did not really seek the Presidency; that the role was being forced upon him by a kind of morbid national speculation. He could not reject it because, if he turned his back, he would feel he was somehow a traitor to his family, like one of the royal pretenders in Europe. Now he's out of the race, at least for 1972, we think; his mortifying defeat for Senate whip by reactionary Robert Byrd, West Virginia, removes him for a time at least and he can get on with serious matters like health insurance. It may have been the best thing that ever happened to him.)

When it comes to health insurance, President Nixon is the prisoner of family tradition, too. Last week an acquaintance of ours, a well-known English newsman with the memorable name of Peregrine Worsthorne left the White House after interviewing the President for two hours. Among many questions, he asked Mr. Nixon if he might not have been a New Dealer himself, if he had come into politics in the 1930s during the Depression? No, said the President meditatively. And then next morning Worsthorne to his amazement got a postscript from Mr. Nixon by special messenger amplifying his comment and telling of a formative incident in his youth. His older brother, Harold, was dying of tuberculosis. The Nixon family was not affluent. The doctor urged the parents to send Harold to the county TB hospital to relieve the financial burden. Mr. Nixon wrote, "They adamantly refused to do so and borrowed money to keep him in a private sanitarium during the most critical last days of his illness." He added, "Both my mother and father were almost fierce in their adherence to what is now deprecatingly referred to as Puritan ethics . . ." They felt it would be "morally wrong," he said, to accept aid from the government under the circumstances.

Revealing, indeed. Mr. Nixon evidently pondered his reply to that particular question that night, rather than to any of the others on war and peace, and got up next morning to amplify it: "I developed in these formative years a strong commitment toward individual responsibility and individual dignity."

It is poignant, and comes straight from the heart, making Mr. Nixon seem more of a human being than he sometimes appears. But what a strange interpretation of "New Dealer." And is this bedrock circumstance in Mr. Nixon's youth any reason for rejecting national health insurance today? Heavens, no.

The very point about national insurance is that it comes to a citizen as a matter of right, not as charity. As Kennedy says, "Every individual residing in the United States will be eligible to receive benefits." It is so abroad. There will be no means test any more than there is for social security. The Nixon parents could accept it without shame. Except for welfare itself, no condition in America is more shameful than the $70 billion a year health industry. Costs are rising 15 percent a year. We need 50,000 more doctors. Private health insurance is as much loophole as protection; it normally pays about a third of the bill. Amidst an explosion of scientific knowledge, slum children never see a dentist and rarely a doctor; private enterprise produces Nobel prizes for medicine, and a horse-and-buggy system of health delivery, with no family doctor inside. Infant mortality is disgraceful: we trail behind 12 other countries – the rate for nonwhites is twice that of whites and in some ghettos it is worse than the plague of ancient Egypt, one death in 10. The time for change really can't be far off! Here we come, Otto, 90 years late.

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THE NEW REPUBLIC *A Journal of Politics and the Arts, Vol. 164, No. 9, Issue 2931, February 27, 1972. Published weekly (48 issues a year) and distributed by* The New Republic, *1244 19th St., N.W., Washington, D.C. 20036. Phone FEderal 8-2494. Single copy 50c. Yearly subscription $12; Foreign $13; Armed Forces personnel or students, $6; Send all remittances and correspondence about subscriptions, undelivered copies, and changes of address to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302.* *Copyright© 1971 by Harrison-Blaine of New Jersey, Inc.* *Item g. Second Class Postage Paid at Washington, D. C. Indexed in Readers' Guide.*

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20 West 43rd St., New York, N.Y. 10036

Congress Can Do It

The budget the President has submitted for fiscal 1972 includes a $6 billion increase in authority for military systems, manpower and assistance. We have outgrown last year's "transitional" budget, which the Secretary of Defense advertised as "rockbottom." With studied seriousness, Mr. Laird then announced that the lid was to be kept on most major programs, primarily because of the sensitive SALT negotiations. Now, with the SALT talks at an even more critical phase, the lid has been lifted and replaced by a rather large umbrella sheltering a variety of additional gadgets. The '72 budget gives the go-ahead to at least $75 billion in new weapons. "In almost every key new weapons program," the editor of *Aviation Week and Space Technology* stated (Feb. 1, 1971), "a green light has been flashed, and the necessary funding increases to complement the signals have been added to the budget." This comes at a moment when the seriousness of our commitment to an "era of negotiation" is being measured in Helsinki, when domestic demands press very heavily upon us, and when the Asian war is supposed to be winding down. (Some of it is winding down: last week the Pentagon announced that 1200 slot machines will shortly be withdrawn from Vietnam.)

No extended argument is necessary to dispose of the proposition that we need more military spending to pick up the employment slack and revitalize our depressed economy. Aside from the growing consensus among economists that dollars spent in the civilian market are more regenerative than the same dollars spent on military goods, the guns-make-work thesis poses an interesting question, and one which suggests its own answer. One of the central assumptions of Marxist-Leninist theory is that a capitalist economy can't long stay afloat unless it's buoyed up by armaments. It's surely in our interest to bury that assumption, or at least not validate it.

The Administration has said that the percentage of federal funds expended for "human resources" has been increasing, while the percentage given to national defense has dropped. Is that a hard fact? Even if one lays aside the tremendous cost growth of social security programs included in the human resource total, and the lumping together of many items hardly appropriate to that category, the claim is questionable. In order to measure the size of shifts in military

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expenditures, we must examine yearly federal outlays, not the recommended budget authority. Outlays are funds actually spent in any one year, and they include funds carried over from previous appropriations. Vietnam, of course, has been the consuming giant – nearly $100 billion during the past six years. But though we have been promised a reduced US role in Indochina, and Congress did cut overall military spending last year, Department of Defense outlays will not diminish. The anticipated expenditure for fiscal 1972 is $77.5-billion, compared to $76.4 billion the previous year, and while exact figures for 1971 are not in, so far in this fiscal year DOD has been spending at a higher rate than anticipated. Furthermore, there is a $14 billion backlog of money unspent from previous years.

Coming in for hefty boosts, according to the aerospace community, are all the old familiar acronyms: MIRV, ULMS, SRAM, AWACS, SAM-D and the ABM, as well as their numeral companions – the B-1, Minuteman III, AGM 65A Maverick, F-14, F-15, S-3A, P-3C and F-5. On the basis of confirmed figures from the Pentagon these systems would cost over $50 billion, if completed, which does not take into account additional funding requests, cost overruns (another Lockheed?) or inflation. The real figures likely would approach $75 billion or more, to be borne over a number of years. From this, it is fair to conclude that the danger is not that the President and the Congress will be remiss in their duty and fail "to provide for the common defense," but that they will overprovide. What we discern in the '72 budget is a familiar message: the United States will continue to develop almost every major new military system, regardless of the visible slowdown or possible stoppage in Soviet SS-9 ICBM starts. Supremacy remains the Administration's goal, though the national security would be put in no jeopardy if it were to cut back or stretch out several programs, or cancel the B-1 bomber.

The Administration does not cut back or stretch out or terminate, because it will not accept the probability that the Soviet Union is no more likely to attack the United States than we are likely to attack the Soviet Union. The military budget, therefore, remains a Hydra, indifferent even to the possibility of a limited agreement on freezing strategic weapons; new heads grow as rapidly as old heads are sliced off. Mr. Nixon is no Hercules.

Ronald L. Tammen, consultant on military spending to a committee of 105 senators and representatives, has noted that nowhere in the fiscal '72 budget figures is there any breakdown of anticipated costs of the Indochina war, nor any identifiable category representing the Nixon Doctrine, which is odd, for the Doctrine anticipates a "low profile" in our military approach to Asia. It is stated that the US will henceforth rely more heavily on the national military forces of other nations, but we search in vain for statistical confirmation. Nor can we find in the budget exactly what increases in foreign military assistance are planned, though some are. The House Foreign Affairs Committee was informed by Secretary Laird last December that the US had already boosted military assistance to Indonesia by 300 percent over the previous year, and figures supplied to Congress by Under Secretary of State John N. Irwin II on February 2 disclosed that the US will provide $5.2 billion in military aid in the coming year – that figure leaves out what we hope to sell – compared to $4 billion last year.

In 1970, all amendments in Congress to pare expenditures for individual weapons were defeated. And perhaps they will be again. But the picture is not all bleak. With the ascendancy of Senator Ellender as Chairman of the Appropriations Committee, the military budget is in for closer scrutiny. Congressional standing committee staffs have been strengthened. Pentagon testimony has been expanded, and through the General Accounting Office, weapons system costs have been supplied Congress. The military budget will have more thorough review than it has had in the past.

The budget-cutting technique we are most likely to see is the across-the-board amendment. It was used with effect last year by Senators Proxmire and Mathias on the Military Authorization bill, and the threat of its use on the Appropriations bill reinforced the Senate Appropriations Committee in its own cuts, and in its conference with the House. The across-the-board amendment can be strikingly simple. Depending on the wording, it can limit Defense Department outlays in any one year, thus putting a firm binder on money appropriated in previous years, as well as new obligational funds. It would be a healthy situation if the across-the-board amendment could be ritualized, so that every year Congress imposed a ceiling based on its own assessment of national priorities.

Will Congress do it? We would be somewhat more sanguine if we were sure that a majority in the House and Senate understood that the primary threat to our security today is not external but internal, that the danger most to be feared is not the Red Army, the Vietcong or Hanoi, but the collapse of confidence in ourselves, in our will and capacity to fashion a brotherly, free society.

Congress will not be encouraged to grasp this truth by the Pentagon, which has other, competing interests. Thirteen years ago, a perceptive observer of US military affairs provided some insight. He wrote: "Each service (Army, Navy, Air Force) seeks to obtain control over as many different weapons as possible as a form of insurance against drastic budgetary cuts in the future. The predominance of fiscal consideration in our defense planning actually encourages a subtle form of waste: in the absence of our agreed strategic doctrine, it leads to the proliferation of partially overlapping, partially inconsistent weapons systems." Defying the pass of time, the analysis holds true in 1971. The perceptive observer was Henry Kissinger.

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Sinking Cities

Costs of municipal welfare, health facilities, sanitation, slum clearance and other services keep rising, and the Bureau of Labor Statistics reports a sharp increase in the unemployment rate, to nearly 8 percent, in the 100 largest urban areas. The Census Bureau discloses a further extension of poverty among black central urban residents, an intensified "concentration of misery in the hearts of our largest cities." Mayors from New York, Newark, Cleveland, San Francisco and elsewhere report budget cuts in such diverse but vital services as recreational facilities and police protection. States such as Michigan and Pennsylvania have narrowed the flow of educational funds to the cities. A HUD survey of five-year plans of model cities reveals a constant rise in their projected needs, but the amount requested by the Administration for model cities ($575 million) was the same in fiscal 1971 as in 1970. Metropolitan areas hold 65 percent of our population, their revenue base is shrinking, their deterioration goes unchecked.

The response of the federal government to this deepening crisis is bewildering. More serious faults than merit have been found in the Administration's revenue sharing plan (See "Better than Revenue Sharing," Melville J. Ulmer, *NR* Feb. 13). Yet, though there is a growing consensus that revenue sharing is dead for the forseeable future, there is no sign from Mr. Nixon or his advisers that they might be induced to support more feasible (and we think, more effective) ways to help the cities and states. There has been no comment on the popular proposal to provide full federal financing of welfare, although this alone would get more aid to urban centers than the President's revenue sharing plan. It would also, in requiring national minimum standards and the like, produce much or all of the welfare reform that the President says he wants. Likewise, there has been no White House encouragement for another popular and generally attractive step for improving intergovernmental fiscal relations: allowance of credits against the federal income tax for taxes paid on income to state and local governments. Active Presidential opposition is expected to the recent proposal of Senators Jacob Javits (R, NY) and Gaylord Nelson (D, Wis.) to finance public service jobs in states and cities.

Instead of smelling salts, the Administration seems to have offered the cities a stiff right to the jaw. Meeting in San Francisco last week, a conference of mayors charged that the Administration has currently withheld $1.3 billion in funds for the cities already appropriated by Congress; that the new federal budget shortchanges the cities by providing less than half the $3.75 billion authorized by Congress for five urban programs; and that in several jointly financed projects, such as the community action program of the Office of Economic Opportunity, the new budget calls for reducing the federal share and increasing that of the localities.

President Nixon has widely proclaimed his intention to help "state and local governments overcome their immediate fiscal crisis and come to grips with those problems that concern their citizens most." To which the mayors might reply: " 'Tis well said again;/And 'tis kind of a good deed to say well:/And yet words are no deeds."

Model A Ford

Considering the India-rubber elasticity of the statutes designed, ostensibly, to curb corrupt practices in politics, Representative Gerald R. Ford, House minority leader, may very well be accurate in saying: "I would say, under the interpretation of the law as it has been interpreted over the years, that my action was within the law."

The action referred to is his endorsing over to Republican headquarters in Washington checks for a total of $11,500 that he had been given by organizations of stockbrokers, bankers, oil men, and doctors, and never reporting that he had received the money. Later, headquarters paid off $12,233 in debts that various Ford committees had incurred during the campaign, but Mr. Ford says he knew nothing about that.

Assuming that Mr. Ford's action was within the law, another question arises, one in which the public is much more interested. Is it not only within the law, but also within the meaning of the old adage, "Whose bread I eat, his song I sing"?

Defying the Bosses In Illinois & Texas

Two huge, monolithic delegations of Democrats (Illinois and Texas) sat in the front rows at Chicago in 1968 under the watchful eye of artists in political manipulation and intimidation. These two delegations anchored the dominant forces of the party regulars who controlled the nominating processes. In 1972, it might be different. Scandals which reflect on party regulars have exploded in both states. Strong anti-organization candidates for governor are on the scene, exploiting this turn of events by their mere presence. Procedural reform, in keeping with recommendations

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of the McGovern (now Fraser) Commission is having some impact. The importance of this is heightened by the fact that at the next Democratic convention nine large states, including Texas and Illinois, under a new apportionment formula should have at least 51 percent of the delegates. It isn't hard to guess where the pre-convention fight will be centered.

Parallels between the two states abound, not the least of which is the personal sacrifice demanded of the men around whom reform elements are gathering – Dan Walker in Illinois and ex-Sen. Ralph Yarborough in Texas.

At 48, Dan Walker had risen in the business world to become vice president and general counsel of Montgomery Ward and an officer in a host of subsidiary firms. The easy life that beckons a successful man of middle years, a life that combines job security and as much civic service as suits his taste, was within his grasp. His was already a name of some renown in Illinois. As president of the Chicago Crime Commission he authored publications that spotlighted the crime connections of 200 individuals and 100 businesses. As author of the famed Walker Report on the Chicago convention he zeroed in on what he called "a police riot." In 1970 he managed Adlai Stevenson III's campaign for the US Senate, putting special emphasis on building a strong volunteer organization in the vote-heavy suburbs. The result: Stevenson carried heretofore heavily Republican suburbs by a whisker.

What does an affluent, respected man do at that juncture of his life? This is what Walker did: He announced for governor, resigned his job with Montgomery Ward (including all the collateral offices) and made it unmistakably clear he's running as an anti-organization candidate. He will neither seek nor accept the blessing of the slate-makers dominated by Chicago's Mayor Richard Daley. He has put together a staff from among the ablest young men in reform politics in Illinois and is already campaigning.

Walker hardly had time to announce before the Paul Powell scandal broke. The timing couldn't have been better. It illustrated, in terms the public could understand, the baleful effects of slate-making. Powell, a folksy, downstate politician had twice been slated for secretary of state by the bosses; that is to say, he had been put in a position to stash away a cash hoard of hundreds of thousands of dollars. After Powell's death, when the loot was found, Illinois officials reacted with silence. Not Walker. He keeps reminding audiences all over the state that the slate-makers gave Powell his opportunity to steal, and the only way to correct this situation, to insure honest government, is to destroy their power.

Can it be done? No, say the professionals. And yet cold statistics tell us it's far from impossible. The 1970 returns from Cook County suggest that the Daley machine may be in trouble.

The key is the size of the primary vote. It must be big, something in the neighborhood of 65 to 70 per cent of the state's 2.2 million registered Democrats. Past contests (such as the three-way race for governor in the 1960 primary) indicate that the machine can automatically deliver upwards of 650,000 votes. Thus, Walker needs a turnout of about 1.5 million. The votes are there, crammed into the exploding suburbs where Walker has put together an organization, in the downstate counties with their traditional hostility toward the Chicago machine, and in the high rises along Lake Michigan and middle-class black wards, both of which have been electing anti-organization aldermen.

Adlai Stevenson III, by virtue of his unprecedented popularity in Chicago's suburbs last November, carried Cook County by 500,000 votes, while Sheriff Richard Elrod, a key machine candidate, squeaked through by 10,000. There were signs of deterioration in machine wards. For instance, the total vote in 10 black wards, long bulkwarks of the machine, fell by about 25 percent. In a related example, reformers carried 11 North Side wards in a referendum for appointment of judges that found the machine battling vigorously but without success for the election of judges.

Walker's chief problem is another reformer – Lt. Gov. Paul Simon, who's willing to be slated for governor. In fact, Walker's challenge may insure Simon's nomination over Thomas Foran, the prosecutor of the Chicago Seven and the apple of Mayor Daley's eye.

How does this affect the convention delegate selection process? Illinois has changed its law to provide for the election of all delegates, most of them from congressional districts. Normally, this would suit Mayor Daley's purposes. His troops always get out their votes and reformers have a tough time convincing the rest of the electorate that it's worthwhile. But, with Walker in the race and aiming his fire at the very process by which the machine maintains its power, a heavy turnout is probable. Walker's aides are saying antimachine candidates for delegate have a realistic chance of picking off one-third or more of the Illinois delegate spots with a little planning and self-discipline.

Hundreds of miles away, Ralph Yarborough hadn't had time to unpack his books after his defeat for renomination last year, before a stock fraud scandal exploded in Texas. So thorough were the probers sent out by the Securities and Exchange Commission, they caught not only Gov. Preston Smith profiting, but former Attorney General Waggoner Carr and some top Democrats in the state legislature.

Contrast this with Yarborough. One reason he hadn't been able to unpack those books is that he has been a sufficiently honest public servant, so that he had to go to the bank for a loan to build an addition to house the books accumulated during his 14 years in the Senate. His performance since his defeat in the

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spring of '70 exemplifies the work ethic middle America respects. He stayed on the job until the closing minutes, pushing legislation he deemed important. It drew grudging admiration from his severest critics. He also benefits from a sense of quiet shame that permeates Texas politics, because of the nasty tactics used against Yarborough in the primary.

The setting is perfect. Yarborough has been running as an anti-organization candidate in Texas since the late thirties, always at considerable personal sacrifice. He ran for governor three times. Now, he may try again. Reports from Texas say he's never been more active, showing up at every kind of gathering to voice ominous words about those who would violate the public trust by enriching themselves. What other prominent Texas Democrat can say that?

In 1970, Yarborough lost a lot of ground in blue collar and Mexican-American areas, as well as among the small farmers in East Texas, three essential components of his winning coalition in the past. The same blue collar workers and small farmers who turned their backs on him must now be having second thoughts.

Like Walker, he is faced with a potential opponent who might drain off some of his potential support – Lt. Gov. Ben Barnes, a young man being groomed by the Texas corporate establishment for bigger and better things. Barnes isn't caught up in the scandal. But he exemplifies something else in Texas politics just as corrupting – the pattern by which promising poor boys are welcomed into corporate circles, enriched financially and groomed for power. Nothing illegal, of course. The slate makers of Texas are always there – George Brown of Brown & Root in the case of Lyndon Johnson, Sid Richardson for John Connally and now, Frank Erwin for Ben Barnes. When Yarborough talks about politicians who enrich themselves, he means something broader than the stock fraud being tried in the court of Judge Sarah Hughes this spring. He means the whole system through which the corporate establishment has maintained its power in Texas.

Will the contrast strike a responsive chord with the voters? If it does, the Texas delegation to the 1972 convention could be substantially different than the one Connally bossed in 1968, always in concert with Daley.

The precinct caucuses held to name delegates to the county conventions are held the night of the gubernatorial primary and open only to those Texans who voted in the primary that day. A lively contest between Yarborough and Barnes should result in an unprecedented turnout and open the way for a realistic challenge at the state level, particularly if Yarborough is nominated.

The new reform rules will also help. Delegates must be named at a district level, thus crimping the style of the Johnson-Connally operatives who regularly ride roughshod over dissenting delegations from Houston, San Antonio and El Paso, to name several. If the roughriders try to repeat their performance in 1972, they could be successfully challenged at a national level.

The whole fight isn't in Texas and Illinois. New York and California still loom large. If one or both are lost to the liberals in 1972, gains in Texas and Illinois may be irrelevant. Other huge delegations will come from Pennsylvania and Ohio where AFL-CIO chieftains placed dozens of their errand boys on the delegations in 1968 and used them to fight antiwar sentiments and credentials challenges. But those states have new governors (Shapp and Gilligan) who were not on Daley's or Connally's side in Chicago.

The bids of Walker and Yarborough in the spring of 1972 could play as important a role, if not more, in the nominating processes than any single Presidential primary.

Paul R. Wieck

Splintering in the Supreme Court

At about eleven o'clock on the morning of January 25, several minutes before adjourning for their four-week midterm recess, all nine men on the Supreme Court joined to strike a blow for Women's Lib. The Court's brief, unsigned decision declared illegal the Martin-Marietta Company's hiring policy which – without any attempt at detailed justification – rejected all female applicants with preschool-age children. Justice Thurgood Marshall separately noted his concurrence in the result but disagreement with the suggestion in the Court's opinion that if the company could prove that many or most women with small children were unable to perform satisfactorily on the job, it could exclude all women in that category. The Court's action was unusual, however, not so much because of the legal principle it established, but because it was one of the increasingly rare instances in which the Court has achieved near-unanimity.

Marshall's separate opinion made a sound point, and it is surprising that no one else on the Court saw fit to endorse it. But the same cannot be said of many of the other multiple concurrences or dissents which have marked the Court's performance in the first half of the second term under Chief Justice Warren Burger.

If any single feature of the Court's work to date stands out, it is the proliferation of separate statements of opinion. In only one of the 19 full decisions announced this term has the entire Court reached

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complete agreement. And, curiously enough, that case – concerning the effect of a Federal Maritime Commission order – is probably the least newsworthy. The other 18 decisions have produced a total of 56 opinions or separate notations of concurrence or dissent. The Voting Rights Act cases resulted in a total of five opinions; six other cases each prompted four different statements of position; and it has become common for a case to be decided with an opinion for the Court (or for four Justices), a separate concurrence, and/or one or two dissents.

This escalation of petty disagreement is not necessarily attributable to close division on the proper result. The Court is known to save its most difficult decisions for last, and one cannot expect the bulk of the hard-fought cases to be decided until May or June. Other than the Voting Rights Act cases (which resulted in as even a split on the Court as could be conceived) and a welfare case in which Justice Blackmun wrote his first majority opinion, the decisions have been relatively unimportant – and only three of them have produced the five-to-four count which has traditionally been associated with sharp disagreement. Possibly the most telling indicator of the increasing tendency of the Justices to splinter their votes is a comparison of this term's statistics – only one unanimous opinion and a total of 57 statements of position – with the track records for the first 19 decisions of last term and of three and five terms ago. In 1969, five of the first 19 decisions were unanimous, and a total of 40 opinions or separate notations of agreement or disagreement were issued. In both 1967 and 1965, the Court also was unanimous in five of its first 19 full decisions, and the total numbers of separate views expressed were 43 and 40 respectively. This shows too substantial a change to be written off as pure happenstance.

Why is it that the Justices appear to be dividing more and deciding less? Why are they finding it necessary to explain their votes in separate statements in which they disaffirm the views of others who reach the same result? When the Court reversed the misdemeanor conviction for resisting arrest of Father Groppi of Milwaukee, for example, Chief Justice Burger and Blackmun could not resist writing a separate opinion in which they expressed agreement "in large part" with the dissent, but reluctantly joined six members of the Court for reversal. And even when all nine members of the Court agreed that a judge who waits until the end of the proceeding at which he presides may not then constitutionally decide contempt charges he has filed against a party or lawyer who insulted him in court, four different stated positions required announcement.

There was a time in recent Court history when it was commonly believed that the Court had its "liberal" and "conservative" blocs of five and four Justices which could be counted on to vote together on the divisive issues presented for decision. But now the Court appears to have become more fragmented, with two-member coalitions discernible in the voting alignments, and several of the Justices undertaking totally independent courses. The two Nixon appointees – Chief Justice Burger and Justice Blackmun – clearly form one pair (known to Court wags as the "Minnesota Twins"). So do Justices Stewart and White (Eisenhower and Kennedy appointees) and Justices Brennan and Marshall (Eisenhower and Johnson).

An analysis of the 57 statements of position issued thus far shows that in ten of the 19 cases in which they were announced, the three sets of Justices voted as pairs, whether on a majority, dissenting or concurring opinion. In an early criminal case involving the constitutional right to confrontation of witnesses, for example, Justice Stewart wrote the opinion announcing the majority's judgment rejecting the constitutional claim. He was joined by Burger, White and Blackmun. Blackmun then also wrote a concurring opinion, joined by Burger. And Marshall dissented in an opinion which Brennan, along with Black and Douglas joined. In a case concerning a seaman's right to sue in court for wages where a labor contract provides for arbitration, Burger and Blackmun joined a majority opinion by Douglas, while the Brennan-Marshall pair concurred in a dissent written by White and also joined by Stewart. And in a decision invalidating a Wisconsin law which, without providing for notice and hearing, allowed the local sheriff to "post" publicly the names of notorious drunkards, Justices Burger and Blackmun joined in dissent while the other two pairs voted with the majority opinion.

In seven of the remaining nine cases, two of the pairs stuck together, with only a hair's breadth occasionally keeping the third set apart. Justice Blackmun's maiden Court opinion, for example, concerned the constitutionality of New York's requirement that welfare recipients agree to home visitations by social workers. His view that the requirement did not violate the Fourth Amendment was joined by the Chief Justice and by Stewart, with White separately noting agreement with all but one paragraph of the opinion. Justice Marshall dissented, and was joined by Brennan.

In only one case decided by the full Court has this "principle of pairs" not held true for at least two of the sets. A double-jeopardy case decided with an opinion by Justice Harlan on the last day before the Court recessed prompted a dissent from Stewart, which was joined by White (one pair) and Blackmun. Chief Justice Burger defensively wrote a separate opinion explaining why he was agreeing with Justice Harlan "not without some reluctance." And while Brennan, unlike Marshall, did not endorse the Harlan opinion on technical jurisdictional grounds, he noted agreement with the result once the jurisdictional hurdle was overcome. (The remaining case was one in which

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Harlan, White and Marshall disqualified themselves thereby breaking up two of the pairs).

The independent Justices are Black (who has stood alone seven times), Harlan (six) and Douglas (three). And results in the close cases have often hinged on how they divided their somewhat unpredictable votes. In the seaman's arbitration case, the three independents joined with Burger-Blackmun (in support of the court suit) to outvote the two other pairs. In the right-to-confrontation case, the votes of Black and Douglas with the Brennan-Marshall combination were not enough to overcome the pro-prosecution views of Burger-Blackmun and Stewart-White, when they were joined by Harlan. And Harlan and Black's agreement with Justice Blackmun's opinion in the welfare-benefits case carried the day notwithstanding Douglas' and Marshall's withering dissents (the latter joined by Brennan).

Whether this splintering of the Court will be permanently harmful to it is hard to tell. At the very least, it slows up the decision-making process. If each of the pairs and each of the independents feels obliged to write separately on every case before the Court, the job of opinion-writing will consume substantially more of a Justice's hours. And at a time when its docket has, for the first time in history, gone over 4000 cases a year, the Court can ill afford to fritter away that valuable resource. Moreover, the Court's opinions become less and less useful as a guide to lawyers and interested citizens the more they reflect the view of only some of its members. It has been rumored that personality clashes within the Court have produced greater division, and this may explain the fragmentation which is manifest from the published decisions. How it will all affect the yet undecided critical questions of busing and school desegregation, as well as other civil rights and First Amendment issues now before the Court, is a matter of serious concern.

Nathan Lewin

Mr. Lewin *was Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice, April 1968 to March 1969 and Assistant to the Solicitor General, 1963-67.*

Biological Tyranny

by Warren Hern

The site that Eleanor Roosevelt visited in West Virgina during the Depression and described as the poorest place in America is still, according to local inhabitants, as miserable as ever, if not worse. The mountains, long denuded of their finest timber, are heavily eroded and gouged by strip mines. They look like partly plucked and badly butchered chickens. Their topsoil is buried beneath the eviscerated hillsides or silted into black streams choked with coal dust and sulfuric acid. An ugly industrial slum winds through the valleys from Huntington to Charleston and is overlain with a yellowish grey pall which impartially dissolves lung tissue and automobile finish. The rivers are a stinking cauldron of industrial poisons.

Into this mutilated landscape the newly born miner's child is thrust. The mother, battered by repeated childbearing, struggles against sheer physical exhaustion. Years in the mines have left the father with a chronic cough, frequent chest pain, shortness of breath, and other symptoms of severe lung disease and early heart failure. If he is lucky enough to have a job at all in the mines, he may earn as little as $2.75 a car loaded with 1 to 1½ tons of coal; and he loads seven cars a day in a 12-to-14-hour day. The work is dangerous and sporadic. In the smaller mines, he buys his own equipment. There are no fringe benefits. The coal is sold for up to $12 a ton to others, or perhaps slightly less if he buys it to heat his own tumbledown shack. The shack has no running water, sanitation or privacy. When it is available, electricity powers a few naked light bulbs and, if work has been steady recently, perhaps a new refrigerator. Except for a TV and a telephone, which works only occasionally, the refrigerator is the only appliance. For this, the miner pays "so much a month" – perhaps up to four times the real retail price.

To the south of West Virginia, the strip mines are invading the beautiful Smoky Mountains of eastern Tennessee, and the inhabitants are becoming impoverished in an environment unfit for humans.

On a crisp, sunny November morning, I stood in

Warren Hern *is a physician and epidemiologist on the headquarters staff of the OEO family planning program. Views expressed here are his own.*

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the littered front yard of a Tennessee mountain family's household talking with Robert Brooks of Oak Ridge. Brooks is a 45-year-old chemical plant worker who became so enthusiastic about his wife's activities as an OEO family-planning outreach worker that he decided to help in his spare time. Brooks is a poor coal miner's son from one of the remote "hollers" of Tennessee.

We had come to visit one of the poorest families near the unemployment-stricken village of Fratersville, and we stood well out in the yard waiting to be invited in. We looked across the valley at the fading but still splendid autumn foliage and watched as a strip mining operation ripped a brown, ragged wound across the hillside. A few days before, water accumulating from heavy rains had broken through some of these abandoned shelves, unleashing a destructive flash flood on the hollow near Fratersville.

A woman finally asked us to come in. She invited us to sit on a tattered sofa in a room otherwise barren except for a potbelly iron stove and a broken wooden chair. She pulled the chair near the glowing stove and sat down. As we talked, she slumped forward and watched her children listlessly, her arms crossed. She spoke in a monotone. She was 38 years old. She and her husband had nine living children. She was six months pregnant. "I tuck them pills for awhile, but my stumick got to botherin' me like it did afor I tuck 'em so I quit for three months. Couldn't afford 'em, no how." Brooks told her that she could get free medical exams and birth control help at the OEO clinic, and she said, "Well, I'll be down after the baby's got borned, but ain't there some way asides a pill?"

Similar requests from families with all the children they want are commonly heard by Brooks and his fellow OEO outreach workers in Tennessee. Mrs. Jeanette Smith, the nurse directing the OEO-funded Anderson County family planning project through the local Planned Parenthood organization, estimates that her office receives four to five sterilization requests a week from poor families. A recent program-management survey of OEO family planning projects, which are currently serving more than 300,000 patients, indictates that this is far from unusual. Eight percent of the projects reported that they wanted to provide sterilization as part of their regular services, which already include pelvic exams, cancer detection, VD screening, counseling, and education as well as contraceptives and referral for other medical problems. Project directors such as Mrs. Smith, however, feel that many of the patients want sterilization and that a complete program should include this service. Perhaps the most surprising aspect of this experience in Tennessee is the frequency of requests by men for vasectomy, the male sterilizing operation. In his contacts with the mountain men of Tennessee, Robert Brooks makes no secret of the fact that he had a vasectomy done after he and his wife had their child 15 years ago. Since vasectomy cannot now be offered by OEO programs, he does not bring up the subject deliberately.

One man, a seasonally employed garage mechanic, wanted a vasectomy done on himself as soon as it could be arranged. He and his 26-year-old wife have three children. She has also had two miscarriages. She cannot take birth control pills because of chronic kidney disease, high blood pressure, chronic urinary tract infections, and rheumatic heart disease. Other forms of contraception have been ineffective or unsuitable for her. Yet she will be risking pregnancy for the next 20 years. Her last unplanned child was delivered by Caesarean section. Any future pregnancy would probably require a similar operation. Some of their medical bills are paid by public sources, but one more child would plunge them even deeper into debt.

Another woman in her early twenties, an outreach worker for one of the Tennessee family planning projects, is plagued by extreme obesity, made worse with each pregnancy. She weighs close to 300 pounds. The obesity is also aggravated by taking birth control pills, but she is so fearful of pregnancy she doesn't want to stop taking them. Her anxiety about pregnancy causes her to eat more and the problem gets worse. She and her husband have three children ". . . all we can handle. We don't want any more children." Her last pregnancy was unwanted. All three children have been ill and have had recent hospital stays. Her husband was seriously injured nearly a year ago and is unable to work. They want sterilization for either one but can't afford it.

As an outreach worker, she has found that many women are in situations similar to hers. She herself was unaware of the possibilities of help before she was contacted by an OEO outreach worker. "I knew that there was a pill, but I didn't know if I could get it until one of the volunteers came and told me about it."

A young woman in her late twenties told me that neither she nor her middle-aged unemployed husband, who has had two heart attacks, wants any more children. None of her three children was intended. Her first child was born out of wedlock; the others have been born since she married in 1968. She was using foam and the rhythm method, respectively, when she became pregnant with the last two. They came 13 months apart. Her first thought, she says, when she discovered her last pregnancy, was ". . . how can I get rid of it?" They live in a cramped trailer house, and she says, "Each one makes it harder on the ones we already got. We couldn't really afford them, but here they are so what can you do?" She wants to be sterilized and ". . . would go this afternoon if I thought I could get it done," but they don't have the money to pay. Her youngest child is six months old.

A dejected, tobacco-chewing young man shifted nervously in front of a squat iron stove which provided the only heat for his one-room tarpaper shelter. He looked past his 31-year-old wife at one of their seven

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children, who was screaming and pummeling a younger brother, and said, "I git another I reckon I'll shoot myself." Their house burned down two years ago Christmas and he has been unemployed "for a long time." He takes odd jobs and they get food surplus, but there seems to be no way to get ahead. Their "house" has no running water, toilet, adequate cooking facilities; they have no refrigerator. His wife looks nearly twenty years older than her age. The youngest child is three months old. All the children are anemic and dirty. Two appear to be mentally retarded. The others go to school only when the weather is warm. They have no shoes or warm clothes. The man wants his hernia fixed and a vasectomy done at the same time. "We got all we kin handle." His wife became pregnant with their youngest child when she ran out of birth control pills and couldn't afford to buy more at the time. She was recently contacted by the local OEO family-planning outreach worker and has begun attending the clinic, but both she and her husband feel that temporary measures such as the "pill" are not enough to suit their need. However, they cannot afford an operation, which would cost around $100 for the man's vasectomy or as much as $400 for the woman.

Families like these need jobs, decent housing, a healthy environment, adequate food, clean water, sanitation and education. OEO health programs, including the 450 projects primarily concerned with family planning, provide a network of services which are meeting some of these individual needs. But one of the most important needs is freedom from the tyranny of their own biology.

The Nuclear Plant Controversy-III

Radiation Risks

by Ralph E. Lapp

There is a Hiroshima halo around every nuclear plant. The fact that a power plant is nuclear suffices to create public fear, and it is understandable that those who oppose nuclear reactors should emphasize the radiation hazard. But they have gotten their objections out of joint with the risks involved and, in my opinion, have concentrated on the wrong arguments. I have in mind the protest that has focused on the release of radioactive effluents from nuclear power sites.

The scientist who stimulated the great debate over radiation is Dr. Ernest J. Sternglass, an amiable professor of radiation physics at the University of Pittsburgh. He tells us that he became interested in radioactive fallout because of a paper that I had written on the possible biological effects of Nevada test fallout on the Albany-Troy area in New York State. Dr. Sternglass began digging into a mass of statistics on infant mortality and he soon found correlations between increased infant mortality and test fallout. His paper to this effect was turned down by *Science* magazine and he broke his story in the April 1969 issue of the *Bulletin of Atomic Scientists*. By relating his findings to fallout from antiballistic missiles, he quickly blasted himself into the "big time" with an article in the September 1969 *Esquire* – "The Death of All Children – A Footnote to the ABM Controversy."

In the fall of 1969 Sternglass provoked so much controversy that the Atomic Energy Commission had to take him seriously. The AEC assigned the chore of rebutting Sternglass to a pair of Ph.D.-M.D. researchers at the Lawrence Radiation Laboratory (Livermore, California) which is run by the University of California. Enter Dr. John W. Gofman and Dr. Arthur R. Tamplin. They are both old-timers in the radiation field and were 10 years past their doctorates when the great debate of radioactive fallout flared in 1954.

Gofman and Tamplin did not take long to demolish Sternglass' shaky statistics. But in the process they somehow or other managed to rub AEC officials the wrong way. In any event they became overnight converts to a radiation religion which they have expounded with such fervor that they have confounded their powerful master, the almighty AEC. They have effectively switched the Sternglass attack on radioactive fallout from bomb tests to a campaign against nuclear power that centers on the radioactive effluents emitted by power reactors. Their main thesis is that the AEC's radiation standards need to be slashed tenfold. This

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RALPH E. LAPP *is author of* Arms Beyond Doubt. *The first two articles of this three-part series appeared on January 23 and February 6.*

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point is dramatized by Dr. Gofman, a brilliant platform performer, as he asserts that if all Americans are irradiated to the AEC limits it will result in 32,000 extra cancer deaths per year.

What are the AEC radiation standards? Who sets them? Do the effluents from nuclear plants approach these standards?

Before we can discuss standards we need to know the meaning of the radiation unit used in measuring radiation dose. Although this unit is often given in fancier terms, I shall stick to the R-unit which was named after W. K. Röntgen, the discoverer of X-rays.

A scientific definition of the R unit would make little sense to the layman and it is sufficient to indicate some significant landmarks. First, there is the natural radiation background to which all earth-dwellers are inevitably exposed. This totals about 0.125 R per year, being the sum of three sources – radioactivity in the earth, radiation striking the planet from the sun and outer space and radio-elements taken into the human body. The earth radiation varies from 0.03 R to 0.13 R per year in the US, but is generally close to a value of 0.060 R per year. Radiation from outer space accounts for about 0.035 R each year, being twice as great at higher altitudes i.e., 0.070 R per year at Denver. The internal dose for most humans is about 0.025 R per year for the radioactive substances retained in the body.

If one exposes the whole body of an individual to penetrating radiation, then 5 to 25 R in one dose may produce detectable chromosome damage. A whole body single dose of 100 R induces vomiting in about ten percent of people so exposed and 450 R causes death to half of those so irradiated.

Given these benchmarks, what levels of radiation did authorities choose as safe for professional workers? Back in the wartime days those of us who worked on the A-bomb project were "allowed" 0.1 R per day. Given our work week, this was equivalent to 35 R per year. The group suggesting this standard and others subsequent to it is the National Committee on Radiation Protection, now called the Council. It is composed of 65 members who "formulate information and recommendations based upon leading scientific judgment on matters of radiation protection." Last month the NCRP held a press conference to mark the release of its Report No. 39, *Basic Radiation Protection Criteria*; two of the three participants hailed from AEC laboratories. The Atomic Energy Commission steadfastly maintains that it merely accepts the findings of NCRP and uses these as a guide for its radiation limits, but critics assert that inside the coat of many an NCRP member is the vest of an AEC man. In any event, NCRP did as expected – it reported no need for changes in radiation standards, either for professional workers or for the general public.

These standards are:

For the professional – 5.0 R per year per individual.

For the general population – 0.170 R per year average per person. So far as the AEC is concerned, the 5 R per year limit poses no real problems since 95 percent of its workers get less than 1 R per year. This applies to personnel within the AEC fences, where until the mushrooming of civilian nuclear power, the problem of radioactivity was localized. Now, in effect, the "AEC fence" has been moved close to many an American citizen. It is, of course, a nuclear utility "fence" but the AEC lays down the radiation guides for industry and that's why it has become the target of so much criticism.

When Dr. Sternglass charges, as he did late last year, that the Dresden nuclear power plant, Commonwealth Edison's reactor 40 miles southwest of Chicago, leaks enough radioactivity to produce a significant increase in infant mortality in adjacent areas, his argument swings on the thinnest thread of possible truth. It is true that Dresden-1 is, as Dr. Edward Teller puts it, a "gently leaking" reactor, but the leaks are deliberate and planned. Radioactive gases are collected from the reactor vessel; and after temporary hold-up to decrease radioactivity and to await favorable winds aloft, they are released through a tall stack. The Environmental Health Services of HEW's Bureau of Radiological Health conducted detailed studies of these radioactive effluents and measured their radiation dose at ground level. Details of the measurements are available in a 116-page report *Radiological Surveillance Studies at a Boiling Water Nuclear Power Reactor – BRH/DER 70-1*. Using these data I compute that it would require thousands of times more radioactive release from Dresden-1 to produce a significant increase in infant mortality in downwind counties.

When Drs. Gofman and Tamplin criticize the AEC it is on a nonspecific and rather artificial level. They attack the radiation standards used by the AEC, claiming that they are too lax and if all Americans were irradiated to the limit allowed then there would be 32,000 extra cancer deaths annually. Where do they get this figure?

Gofman and Tamplin analyze a variety of biological data on the effects of radiation, almost exclusively obtained at high dose levels. To obtain biologically significant data for very low dose levels approaching natural background, one would have to perform the "megamouse experiment" i.e., use a million or more mice to track down any effect. And at the end, assuming you found an effect, you would still wonder how close man comes to mouse. Since there is no direct way to get data at very low dose levels one has to sketch in the curve where the dose falls to zero. It's possible that the biological response drops to zero even before zero radiation dose; if so, we then have a *threshold*, but there's no convincing evidence of such a cutoff. Therefore, all standards-setting involves the conservative assumption that there is a linear relationship be-

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tween dose and response. That is to say, any dose of radiation, however small, produces *some* effect.

All of us, who have for two decades protested bomb tests on the basis of fallout effects, have always assumed that very small doses of radiation may induce injury in humans, even though this would not be statistically identifiable. However, this fact seems to have hit Gofman and Tamplin late in 1969 like a ton of bricks. (Ever since, some AEC officials feel, Gofman and Tamplin have been hurling missiles at them from this brick pile.) The two California researchers analyze a great deal of data and come up with the conclusion that the dose-response relation roughly corresponds to 1000 R equals 1 cancer death in humans. On this basis the AEC's 0.17 R per year limit multiplied by the US population equals 34 million R total dose. Dividing this total by the approximate 1000 R figure yields the 32,000 extra cancer deaths per year result.

What's wrong with this calculation?

First, most scientists believe that Gofman and Tamplin have used high numbers. For the sake of argument I shall assume their numbers are correct.

Second, the way in which the AEC promulgates its nuclear power radiation guides lends itself to misinterpretation. It stipulates maximum exposure limits at the plant fence. However, the radiation dose drops off rapidly as one leaves the plant fence.

Third, future nuclear power plants (and existing ones back-fitted with effluent controls) will exhibit very much lower off-site radiation doses than the present "leakers."

When I project a total of 300 nuclear power sites in the US and apply the Gofman-Tamplin formula relating dose to death, I find a maximum of 5 extra cancer deaths per year and more probably less than 1.

Gofman and Tamplin may argue that they do not pin their 32,000 death toll on nuclear power effluents but rather on the AEC standards. This, it seems to me is artifice, since the general public carries away an impression that the AEC is culpable – a view that is enhanced by Gofman's assertion that the AEC standards "are irresponsible in a public health sense" and constitute "a legal license to murder in exchange for some benefits of atomic energy."

Actually the issue being raised is not new at all. It began with test fallout and is being resurrected as nuclear plants begin to dot the landscape. Back in 1960 the Joint Committee on Atomic Energy held hearings on "Radiation Protection Criteria and Standards: Their Basis and Use." The Committee has continued to air the radiation problem in a series of investigations, culminating last year in the five volume publication *Environment Effects of Producing Electric Power*. The 3360 pages of the printed hearings contain about 250 pages of material submitted by Drs. Gofman and Tamplin, as well as direct testimony of Dr. Gofman.

The setting of any standards cannot be done on the basis of zero-risk, whether it is for milk quality, vaccine tolerance, water purity or toy safety. The individual's risks begin at conception. In an age of galloping technology there is no easy way to arrange risk-benefit analyses, but one can at least try to place risks in some perspective.

For example, a 1970 US Public Health survey of population exposure due to the medical use of X-rays and penetrating radiation, although still to be published, estimates that the average dose to Americans will have doubled in the past decade and presently amounts to about 0.1 R per year. Affluent Americans are being X-ray dosed at an increasing rate, partly due to the profit factors in Medicare and Medicaid and to medico-legal practice that views an X-ray as an instrument to combat charges of malpractice. Unless restraints are applied to the medical profession the average American will receive more radiation from this source in 1980 than now stipulated as 0.17 R for the general population. On the Gofman-Tamplin formula this would mean 32,000 "medical deaths" in 1980.

There's an obvious and personal risk-benefit analysis in having, say, a chest X-ray. It would be foolish to forgo such diagnosis and end up with pulmonary disease. But the average chest X-ray delivers a 0.2 R dose to the upper body whereas it can be reduced to 0.015 R with proper technique. The states have been very slow to implement proper inspection of X-ray equipment and in general all a doctor needs to own an X-ray machine is money. Very few medical schools include adequate training in radiation dosage and it's a rare doctor who can tell a patient what dose his medicine delivers.

The National Council on Radiation Protection exempts the medical profession in its 0.17 R per year radiation standard for the general public. NCRP has always been well represented in its membership by the medical fraternity, and it derives financial support from medical professional groups, although its largest contributor is the AEC. Radiation is radiation whether delivered in a doctor's office or from a nuclear power plant. The radiation standard should include medical dosage and this might be apportioned as part of the 0.17 R per year total. Such apportionment has never been recommended by the NCRP.

To be sure, risk-benefit analysis is complicated when applied to nuclear power but page 1 of *The New York Times* for Feb. 2, 1971 includes a lead – Con Ed Without Reserves Despite Power Cut in Cold. Con Ed has its Indian Point Unit 2, an 873,000 kilowatt nuclear plant, hanging fire in AEC hearings. As Dr. Karl Z. Morgan, an AEC health physicist noted for his many years of publicly voiced concern over radiation risks, sums up the risk situation:

> The choice, therefore, seems to be between these relatively small hypothetical risks of the nuclear industry and the very real risks of power

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shortages or a smog-polluted environment and the associated respiratory diseases we might expect from fossil-fueled power plants.

There are, of course, the Zeroists who we have noted oppose any growth in power. But this is not a real option for a dynamic economy and if one objects to nuclear power then one must look at the alternatives. Not in a frivolous way by suggesting some esoteric and yet-to-be-developed power source like fusion devices, but by seriously assessing the societal costs of the fossil fuels which must be burned to produce needed power.

Fossil fuels today produce an annual emission of 20 million tons of sulfur dioxide in generating electric power. Last year a National Academy of Science and Engineering study placed the year 2000 emission at 94.5 million tons and called for development of the control technology necessary to remove sulfur from fuel and sulfur dioxide from effluent gases. The latter contain a chemical menagerie of pollutants, including mercury and radioactive elements, whose true toxicity defies good analysis. One scientist last year estimated that perhaps 200,000 people were dying from fossil fuel pollution. His identity: Dr. John W. Gofman.

In order to put the problem of nuclear power plant radiation in perspective I would propose a compromise between the AEC's "at the fence" permissible levels and the Gofman-Tamplin national death tolls. I call it the *community-dose* concept. First, I define a reactor-community as consisting of the population living within 10 miles of a nuclear power site. I then define community-dose as the annual radiation dose, averaged over the population in a 10-mile zone, expressed in man-R. Some official body like the Environmental Protection Agency could recommend a specific number of man-R as the limit for the community. Assume, for example, that it is 10 man-R. If the community contains 10,000 people, then the maximum annual dose would be an average of 0.001 R or less than one-hundredth of the natural background.

A nuclear utility would have flexibility in siting its power plants, since it could opt for higher population in the community, provided it reduced the average annual dose. However, it would be under the restriction that the failure to keep below the prescribed community dose would involve sanctions such as shutdown or cutbacks in power levels. Admittedly, these would not be instantaneous, because the radiation levels are close to background and would require careful measurement over a period of days. This radiation surveillance would be assigned to State Public Health services, subject to audit by the Environmental Protection Agency. All environmental surveys would be open to public inspection and prompt periodic publication of radiation data would be required.

In effect, the nation would be divided up into a number of radiation communities. This would permit EPA to prepare an annual report itemizing the radiation exposure for each community. Utilities which brag about their low electric energy rates could compete to attain the lowest community-dose levels. The Council on Environmental Quality would print in its annual report a tabulation of all community doses. I would suggest that the Council identify a national limit of perhaps 500 man-R as the total for all community-doses. On the extreme Gofman-Tamplin yardstick this would correspond to less than one extra cancer death per year.

One virtue of the community-dose concept is that it encourages the people in the local area to make some comparison of their radiation risks. For example, our community of 10,000 people receiving an annual average of 0.001 R would be likely to relate this dose to the 0.1 R dose from medical irradiation.

Could the manufacturers supply reactors and utilities operate them within the limits I have suggested? Westinghouse has already proposed a reactor system which is essentially a zero-release power plant. The technology of trapping gaseous radioactive effluents and of concentrating other effluents is within present engineering practice. The AEC has to crack down and force the utilities to adopt near-zero release of radioactive effluents – in effect, sealing up the reactor system against even gentle leaks.

In this final article, I have concentrated on a hazards analysis and not on the benefits of nuclear power. Constructive proposals have been offered and an attempt has been made to view the overall reactor issue in terms of priorities and perspectives. By all odds the most important problem is one of proper siting. The AEC has just disclosed that a huge "nuclear park" is being planned for its Hanford site, which has been turning out weapon material for over a quarter of a century. Eight reactors, each rated at 1 million kilowatts, may be concentrated at the site. This "energy oasis" is well suited from the standpoint of being isolated, so that no metropolitan population is endangered in the event of an accident. One assumes that tower-cooling will buffer the thermal shock of this

A Citizen's Guide to Nuclear Power

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power concentration on the Columbia River.

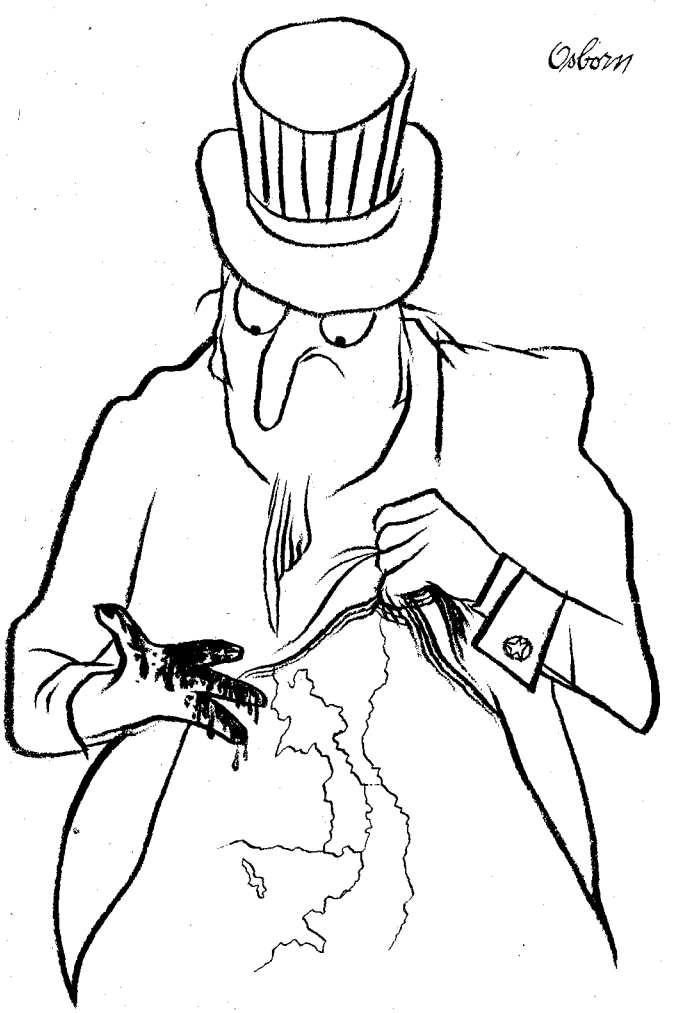
The trend is clearly toward siting multiple units at a single location. Six of the 13 reactors ordered in 1970 will be additions to existing sites and six will be tandem units at three new sites. Con Ed, for example, projects five nuclear units on the Hudson just below Peekskill at what may turn out to be a single thermal site. The 1980 population at risk within 10 miles of this Con Ed nuclear complex will be 325,000 in contrast to the low populations-at-risk in the case of Hanford and most reactors licensed through 1970.

The siting formula – "the utility proposes, the AEC disposes" – needs modification. The utilities and the AEC need to be kept under protest-pressure on a local basis, but this is piecemeal, often stopgap, action. What is needed is a long-range national energy policy that looks to the year 2000 and beyond. Such policy must look at the "fuel mix" many decades hence; i.e., the percent energy supplied by oil, natural gas, uranium and coal. It needs to focus on proper siting, on thermal protection for the waterways, on reliable long-distance transmission of electric power, on the financing of energy research and development and on conservation of natural energy resources.

Last summer Senator Jennings Randolph (D, W.Va.) proposed creation of a Commission on Fuels and Energy, but the White House gave this a cold reception. On Feb. 4, 1971, Sen. Randolph introduced Senate Resolution 45 in concert with Sen. Henry Jackson (D, Wash.) to authorize "an objective and far-reaching study and evaluation of the nation's critical fuel and energy problems." Certainly the determination of national energy policy will bring into collision titanic economic-political forces and vested interests. But the magnitude of our energy demands and their potential impact on our economy, our resources and our quality of life make it mandatory that the tangled threads of energy policy be woven into a rational pattern.

Veterans Testify Against the Atrocity in Indochina

Bringing the War Home



by Peter Michelson

Detroit

The big news to emerge from the Vietnam Veterans Against the War Winter Soldier Investigation into American War Crimes – held here several weeks ago – was that Sen. George McGovern and Rep. John Conyers announced that they were calling for congressional investigations based on the veterans' testimony. Significantly, however, when this was announced it was received with considerable scepticism by the veterans. Though they agreed, in caucus, to send a delegation to meet with McGovern and Conyers, there was little confidence that much more than rhetoric would come of it. These veterans were in dead earnest about this investigation, and they distrusted talk, even their own. Their testimony showed how well they knew that in Vietnam such language as "pacification" and "enemy" really means murder and arson

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committed against unarmed women and children. And when the Detroit press, in reporting the investigation referred to "alleged" veterans recounting "alleged" atrocities, the veterans nailed the failure of language by themselves, thereafter referring to the "alleged" war in Indochina. I wore a press pass and, as I interviewed vets or walked through the jammed hallways, I was asked anxiously over and over, "What do you think will happen?" They were afraid, not that their testimony would be disbelieved, but that it would be swallowed up in the media maw and be dissipated by what one former Information Officer called "market fatigue."

They also seemed to fear that nothing they could say would convey the feeling, the sense, the sight, smell, touch and revulsion of the atrocity that the war itself is. The session signaled how little the media were attuned to that sensibility. A reporter from a Detroit daily asked if, in lieu of documentary proof, all the veterans would sign affidavits of their veracity. Other reporters asked for the names of the officers or noncoms who had ordered or permitted the atrocities. Nor, from their perspective, were the reporters wrong in asking for proof, for neither a television nor a newspaper audience can be made to experience the testimony; all they get is a piecemeal report of "facts." It is difficult, maybe impossible, to make killing civilians a matter of *felt* atrocity, because a wartime mentality programs everyone to accept killing, even of civilians. And by and large we do not pursue those thoughts. Thus, because an atrocity is much more complex than the fragmentary nature of news reporting can represent, and because news reporters tend to interpret things in ways that most readily facilitate their jobs, because, in other words, news coverage encourages us to gloss the data without lingering over interpretations, the veterans were savvy enough to know how hard their task of communication was. So, with an almost dogged insistence, they repeated over and again that all they could verify was that they were who they said they were and would have to be regarded themselves as proof of what they said. Secondly, the vets refused to name the source of their orders because, as they said, that fogged the issue of cultural and political responsibility for the crime of the war by finding a scapegoat. Again and again they said that the incidents they described were not isolated, that anybody in the field could and did go and see them, that all of them were equally guilty or innocent with Lt. Calley, and that the responsibility for the atrocities rested with the policy makers who kept the war of atrocity going.

The veterans' strategy paid off. They came to tell their story, not to debate whether it was true. In effect this forced the media people, particularly the newspapers, to spend *their* energy and time checking the stories out. By the second day of testimony the newspapers were including corroborations in their reports. The front page of the Feb. 2 Detroit *Free Press* carried this authentication, "The Free Press found additional witnesses, two ex-Marines who had no connection with the Winter Soldier Investigation, who confirmed that several Marine companies participated in a search-and-destroy operation inside Laos in later February and early March, 1969." (*Five days later*, Sunday, Feb. 7, ABC News announced that it had just learned that US Marines had operated in Laos as early as 1969!) Further coverage on inside pages informed *Free Press* readers that the veterans upon whose testimony it reported had been authenticated by either the Pentagon or the Defense Department. In short, the veterans prevailed over journalistic scepticism by doing their own thing, fortified by the feeling that it was the right thing. The former Army Information Officer, about 25 and more articulate than most of the vets, said, "Why am I here? Because when I got back I couldn't talk to anyone about what I had seen. No one wanted to hear, even my parents. When I tried to talk to them they just didn't want to hear. And then I knew that because they didn't want to hear I had to make them hear." Another vet said, "I'm here because I have a story to tell, an obligation." Not only did they have the strength of conviction and mission, they also knew they had a volume of testimony that would somehow in itself be persuasive. Close to 150 veterans testified in the course of three days, and most of those, one discovered when interviewing them privately, gave only truncated versions because of time. Finally – repetitious, overlapping, and exhausting as it was – the volume of evidence was the most persuasive thing about the Winter Soldier Investigation. That and the dramatic inexpertise of the testimony itself.

It was given in panels of from five to 15 or so veterans, and the panels were arranged according to subject (weapons, POWs, racism) or military unit (First Marine Division, First Air Cavalry, Americal Division). Some of the vets were highly articulate, and some of them had prepared their testimony beforehand, but most of those testifying were neither prepared nor oratorical.

There were a few dramatic moments. One was the testimony of Mrs. Virginia R. Warner of Detroit, the mother of a POW still in North Vietnam, who made a very simple and moving appeal to middle-age, middle-class America to stop the war. She and her husband, she said, felt very much alone in middle America; she said she knew that she would be called a radical and a communist, but, she said, "I am not. I am an American, and I love my country. I don't want it torn apart any longer by this senseless war."

> I am not proud of the fact that my son helped to bomb Vietnam and I don't want any more Vietnamese people killed and I don't want my son or any other prisoner of war killed by American bombs. I would like to go up to each one of them [the Vietnamese people] and hold their hands in

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mine and say to them that I am sorry about the bombing of their country, and I am terribly sorry that Jim was part of it. It is not much, but what more can I say.

Another dramatic moment occurred during a panel on racism, when various liberal-radical factions threatened to impale each other on their respective splinters. When the panel was opened to questions a long-hair, weatherman type – who could not possibly have known how blond and blue-eyed he was – leaped to the mike, announcing that all this talk was "bullshit" and that it was time to bring the war home so all the liberals could stop congratulating themselves on opposing it and really see how the war felt. Then he proceeded to morally one-up the panel by declaring that long-hairs were "the new nigger" and it was time they politicized themselves against oppression. A black vet in sharp sharkskin, turtleneck, and a right-on afro, who had watched this performance with some amazement, took the mike and allowed as how he was glad that the white boys were beginning to see what had been going down with his people for the last 200 years, but he was not going to be morally underdogged, even by "the new nigger." At this point, with masochistic timing, a white collegiate-type liberal stood up to make a statement, but was dressed down promptly by another black vet, a funky one, and it seemed as if the usual collapse of the New Left was raucously imminent. The moment was saved by a tough-minded black in a fatigue jacket – it was a moment that could only be saved by a black man – who said to the black attacker and his chorus of support, "Unfair!" Then he appealed to everyone, "We don't need this divisiveness. That's what the Man's been doing, keeping us apart, ripping one another off. We don't need that. We need allies. We need to get ourselves *together*. Let's get on with it." The spirit and purpose of the Winter Soldier Investigation was saved and reaffirmed.

There was also the spooky moment when a women's lib robot stood up in the middle of a recitation of interrogation tortures – summary executions, electrocution of genitals, filleting of prisoners, rape, etc. – and said, "I appreciate what you're doing here, but I don't quite know how to relate to it. I wonder if you know how dehumanized it makes me feel to hear you speak of 'girls'?" The panel gaped. The moderator finally said, half apologetically and half ironically, "Madame, Lady, we know we're male chauvinists. We're working on it." But for the most part the investigation was a dogged, uneventful piling up of day to day criminality induced by the war.

For anyone who had kept pace with informed accounts of Vietnam over the past five years, there was little that was surprising. Its power lay in its very boredom, for one kept being jolted by the recognition that multiplied accounts of murder and bestiality were boring. But as the accounts slogged on, the very commonness, the quotidian character of atrocity, identified itself as the core of the dehumanization that accounts for war crimes. No single testimony had the magnitude of the revelations about Mylai. And even the range of lesser crimes had been anticipated in the December 19, 1970 issue of *The New Republic*, in an article, "What Every Vietnam Veteran Knows," where five veterans (one of whom, Stephen S. Noetzel, also gave testimony at the Winter Soldier Investigation) told of taking ears as trophies, ambushing civilians, executing POWs with "half a chopper ride," electrical interrogation tortures, the calculated murder of defeated VC soldiers, the summary shooting of villagers, rape, a murderous racism, and so on. But what such accounts cannot communicate is the degree to which these activities are routine.

Almost to a man the vets spoke of adapting to brutality, of being able to commit or watch atrocities from behind a "protective psychic shell." Further, they said, brutality was encouraged by policy. It was not a simple matter of officers or non-coms ordering men to be brutal, it was a matter of training, body count requirements, career ambitions of military "lifers," and the tension of being hated and feared by the South Vietnamese villagers and VC sympathizers amidst whom they lived from day to day. In their training they were conditioned to think of the Vietnamese indiscriminately as "gooks." One training sergeant, a vet reported, had this "solution" for the Vietnamese "problem": to put all the good gooks on ships and burn out all the bad ones; then take the good ones into the middle of the Pacific and drown them, because "the only good gook is a dead gook." And, they said, in the field there is practically no distinction between VC and friendlies because they are so often entwined. Small boys in villages would toss live grenades into trucks; one eleven-year-old was captured after having been credited with such killings of five GIs. So one comes naturally enough to despise, fear, and take vengeance on all "gooks." Likewise, *all* Vietnamese dead, unarmed women and children as well as VC were included in enemy body counts. "Anyone our age with slanted eyes," one vet said, "was a Cong." But most did not make age a condition. In order to stimulate "fighting spirit," officers rewarded savagery with bottles of whiskey or blood badges, and they dismissed atrocity reports. In fact, to report atroc-

COMING: Bearing the Burden of the Berrigan Brothers — a commentary by Edward Duff

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ties was to jeopardize oneself. In short, American oldiers, like any surviving organism, soon adapt to he savage environment created by the war. And, hey said, to maintain their shell, to keep from hyseria and so survive the savagery, they turned it into risly humor. They laughed, not just at death, but at he dying they caused. And they laughed at the pain hey administered. They were amused by their own nhumanity. "Who was I," one vet said, holding his hands up heavily and shrugging, "in the middle of the madness of military policy?"

Madness and murder become routine. "Vietnam," one ex-marine, now a city planner and VVAW organizer said, "when it's not violently painful, it's a crashing bore." The boredom is a sign of hardening. As in DeSade, one keeps reaching for new violent sensations to relieve the boredom. Also, the notion of who the enemy is begins to expand, *Catch 22* fashion, to include one's own superiors. Hence, "fragging," defined by one vet as a situation where "certain career minded non-coms need to be disciplined by the enlisted men." The discipline ranges from harassment to assassination by the method from which the name is derived, the use of a fragmentation grenade. By the time this sort of thing happens the soldier's cynicism has reached zenith. And so has his paranoia. "After awhile I took to sleeping with my rifle," the same marine said, "because you could never tell what those crazy bastards might do out of sheer boredom." Who, in the midst of this madness, is not a "crazy bastard"?

Small wonder, then, that these soldiers, bringing home their nightmares, their paranoia, their guilt and disgust, small wonder that they are angry. In a room where kindly but politicized middle-aged ladies provided them a cornucopia of sandwiches, confections, milk, coffee, and fruit juice, the vets sustained a three-day rap session that twice formalized into caucuses. These sessions showed their anger and frustration. They were angry at having been used, and used badly. Not just as instruments of aggression and racism, but as sacrifices to pride, ambition, ignorance, and national self-righteousness. They were only slightly less conscious of themselves as victims than as victimizers. As one put it, "How did they expect me, after a few weeks of training – at Fort Dix we attacked a simulated VC village *in the snow* – to effectively fight an enemy who had been fighting in his own back yard for 25 years!" They told of units without in-country training suffering from 50 to 80 percent fatalities within a few days of their arrival in Vietnam. Former Information Service Officers told how these events were covered up and kept from all but the most energetic and resourceful civilian reporters, who, they said, were a small handful. They told of how the press was bought off by the brass with plush accommodations in Saigon, where their information was supplied once a day at the official briefing session, "the four o'clock follies." So they knew that the civilian establishment collaborated with the military to keep the mythology of victory-in-a-just-war going. And they were angry, having seen it for what it was. Many of them, most of those testifying, had been radicalized *by their experiences in the war*. Though many of them were now going to college on the GI Bill, most of them were not collegiate intellectuals. They were by and large working class sons. Nearly half of those testifying were not draftees, they had enlisted out of high school. Many had not even finished high school. The tone of the investigation did not come from the middle class veterans, such as the doctors, professors, and psychiatrists, who testified and who were instrumental in organizing the investigation. It came from predominantly white working-class enlisted men. One had to be impressed, especially if his experience with the peace movement has centered around campuses, that the Vietnam war is creating radicals out of the sons of its hard hat champions of Americanism.

And, given the high carnival potential, there was surprisingly little nonsense. Though the Detroit press and media featured Mark Lane's and Jane Fonda's association with the investigation, the veterans were very much into their own thing – discovering that they existed as a group ("I was afraid," I overheard one vet saying, "that I was going to be pretty much alone, until I got here"), trying to figure out how to organize in their localities, and so on. Many were only vaguely aware of who Mark Lane was, and many were opposed to his association with the investigation (he is the legal counsel and a fund raiser for the sponsoring VVAW, which claims to have 2000 members). Most of them ignored Jane Fonda, though she was present through most of the testimony. And though there were a few shrill radical prima donnas, they were not taken seriously. Which is not to say that the political tone wasn't radical. It was. But it was not hysterical. Having just politically discovered themselves, the Vietnam veterans were trying to figure out what their power and their options are.

The Winter Soldier Investigation brings the war inescapably home. If we remain ignorant it must be by choice. If we dismiss this testimony as exaggerated, if we put it down as New Left melodrama, if we attack it as radicalism, we are desperately trying to evade the responsibility of knowledge. As the testimony flooded over me for three days I kept saying, I don't want to hear this. I knew that what I was hearing was true; I knew it from other veterans, from published accounts, and from my brother who had been there. What I was resisting were the ethical obligations that knowledge imposed. Like most people, I didn't and I don't want to have to work out what I ought to do. More precisely, as conventional political opposition to government policy seems hopeless and even invalid in the face of routine murder and criminality, I am afraid of what I ought to do.

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Stanley Kauffmann on films

The Hour of the Furnaces

(Third World Cinema Group)

Ramparts of Clay

(Cinema V)

The Hour of the Furnaces is a film phenomenon and a phenomenal film. This Argentine documentary runs four hours and twenty minutes, plus two intermissions, and is a clear, unambiguous call for revolutionary violence. It was directed by Fernando Solanas, 35, who wrote the script with Octavio Getino, 36. (Solanas also photographed, Getino did the sound.) Both of them have been making short films in the past decade. Their work here is sometimes crude, sometimes suspect, and is certainly not unfailingly gripping, but they have made an impressive and vehement film of immense energy.

It has three main sections, "Neocolonialism and Violence," "Act for Liberation," "Violence and Liberation," and there are numerous subsections. To criticize the argument of the film calls for a knowledge of Argentina – and a copy of the script! – to which I won't pretend. The thesis, varied and repeated, supported with newsclips, commentaries, quotations, statistics, and interviews, can be stated fairly simply:

Argentina began as a Spanish colony and, after independence (1816), continued as an economic and cultural colony of Great Britain. The US developed great interests there and, through this century US power has supplanted British power, though the British still have a strong cultural hold. (See the dress and amusements of the upper class.)

The first really Argentine politics in Argentina was Peronism. Perón was maligned abroad, principally by the US, because his economic developments and social welfare programs, his payment of the foreign debt, all interfered with foreign investments and control. The US conspired in the overthrow of Perón, nominally as a pro-democratic move, actually to install a regime more friendly to its influence. Post-Perón governments, like earlier ones, have been oligarchic, plutocratic, militaristic, and brutally repressive, and have depended heavily on outside cultural and economic resources. The largest political party in Argentina is still the Peronist one; it can be the spearhead of a people's revolution which is what is needed in all Latin America. "Two, three, more Vietnams," as Che said.

All the above is subject to some question, even on the basis of superficial knowledge like mine. But the size of the Peronist bloc (30 to 40 percent of the population) and the possible alliance between Peronism and the far left were reported in *The New York Times*, by Malcolm W. Browne, on Oct. 3, 1970. Anti-Americanism is a great unifying force among political factions in Latin America. If it be argued that there are Latin-American countries much worse off than Argentina, there is also a country – Uruguay – that has always been much better off; and see the recent history of their Tupamaros.

Besides the questions that may nevertheless be asked of the film's facts, there are also questions about their presentation. What's the point of the gory slaughterhouse scenes? Argentina lives by beef production, and will do so presumably under the most popular government. We are told ominously – twice – that four people die a minute in Latin America. By my figures, this is also the rate in the US. We are told that true culture depends on the complete liberation of man – in which case we will never have true culture. (I would have thought that one reason for art is that man is *not* completely liberated, and will not be.) We are shown a man being beaten by a group of men in mufti, then being dragged face down through the mud. How do we know that he wasn't a CIA agent who tried to get into a Peronist meeting? There are many instances of beating and gassing where sympathy is asked immediately for the victims, with no fixing of facts.

But, keeping one's guard up as well as possible, one still is overcome by a sense of selfish, cruel, exploitative power in the hands of a few. As usual in all tyrannical situations, East or West, black or white or brown, there is no slightest reason to believe that the oppressed are the moral superiors of their oppressors and will behave better if and when they triumph; but that's hardly a reason for the oppressed to accept things as they are, particularly if they are the majority.

So we come to the nub of the matter: the advocacy of violence. In politics, I don't see how a view on violence can be held as a universal absolute, which is why many of us who object to the Vietnam war still do not call ourselves pacifists. The Argentine peasant, who has inherited generations of wretchedness, who has seen women and children machine-gunned by police, is in a very different emotional and, I think, moral position, in regard to violence, from the American university student who is (rightly) protesting the campus presence of Dow Chemical. Although it is chilling to see this film come *three times* to a climactic call for violent revolution, I think that, to deplore it in terms of the nonviolent campaigns which one advocates in the US, is almost to verge on the smug. It's a bit like people on a diet telling the underfed that they're better off thin. If violence is immoral, as it objectively is, we still have to recognize that there are situations where objectivity is impossible; that there are situations where violence may have to be used to drive out even greater immoralities.

In terms of cinema technique and imagination, Solanas has done everything he could to make his work a *film* – to break out of the old booby-trap of propaganda: which is that propaganda films rarely change anyone's mind, they only heat up the previously convinced or the susceptible. True, he says halfway through Part Two that his film is not for mere spectators, but I think that by then he hopes to have hooked those – Latin-Americans, anyway – who started as mere spectators. He has worked to make his picture *visually* interesting. He used to work on advertising films, and one can see it in his use of varying optical techniques for the many words on screen. The editing is sharp, often with staccato intercutting of action and verbal message. The sounds and songs are effective. (I should probably specify that it's all in Spanish with subtitles.)

And sometimes the film is genuinely beautiful. There's a well-composed, deep-focus scene in which an old

(Continued on page 35)

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Robert Evett: Stendhal and the Culture-Hero

Life of Rossini by Stendhal

Translated and Annotated by Richard N. Coe

(Orion Press; $10)

In 1823, Marie Henri Beyle, under his pseudonym "Stendhal," wrote:

> Napoleon is dead; but a new conqueror has already shown himself to the world; and from Moscow to Naples, from London to Vienna, from Paris to Calcutta, his name is constantly on every tongue. The fame of this hero knows no bounds save those of civilization itself; and he is not yet thirty-two! The task which I have set myself is to trace the paths and circumstances which have carried him at so early an age to such a throne of glory.

The hero was Gioacchino Rossini, who by that date had written 32 operas, and though neither he nor his biographer suspected it, was within a few years of going into his long retirement.

Stendhal, in his early forties, had spent several years in Italy sopping up Italian music and had only recently been expelled from Milan, where the authorities suspected him of being a French spy. On returning to Paris, he found that Rossini, the undisputed master of the Italian musical stage, was a controversial figure in France. So his book was pro-Rossini propaganda designed to soften up not only the French public, but more especially the English public, and was published in an English translation even before it appeared in French.

What allowed Rossini to loom so large at such an early age was the absence of serious competition. The previous laureate, Domenico Cimarosa, got involved in politics, did time in a Neapolitan jail, and died in 1801 – poisoned, they say, at the command of the king of Naples.

For the next ten years or so, says Stendhal, "the musical scene in Italy was dominated by Messrs. Mayr, Paer, Pavesi, Zingarelli, Generali, Fioravanti, Weigl, and by 30 or more others whose names are now" (remember, Stendhal was writing *in 1823*) "more or less forgotten, but whose reign was then placid and untroubled." The placidity was shaken, first by the importation into Italy of some operas of Mozart – he had been dead for almost twenty years, but good news travelled slowly – then by the arrival of Rossini.

It is difficult to remember that to these composers, and to Stendhal himself, the idea of a "classical" music – in the sense of a musical literature of some durability and antiquity – was alien. "It is a sad but probably true reflection," said Stendhal, "that in music at least, the ideal conception of beauty changes every 30 years."

In Italy, operatic composers were under contract to theaters. They had rights and privileges, but their first responsibility was to replenish a repertory that was constantly exhausting itself. Opera companies would import or pirate successful scores from each other, but the emphasis was on the new.

It struck Stendhal as perfectly natural for a composer to be prolific. He thought that the *Théâtre Italien* in Paris ought ". . . to offer Rossini a two-year engagement, on condition that he should write three operas a year for that particular theater. If the terms offered were at all reasonable, Rossini would unquestionably accept. He could also compose for the Grand Opera and for the Theatre Feydeau . . . and make a fortune out of it."

This sounds like a composer's paradise. It was not. These men were com-

To the Upright

Excuse me, do not speak of nerves
gone dead, nor of pain

with no hurt inside it.
Perhaps

men with bad knees
shouldn't be expected

to do deep things, or move
to fix whatever in the world

is wrong. Theirs was a youth
without spring, of endless

drag bunts they dreamed
of beating to first.

So what if their knees stick out
in every conversation.

So the natural crack of bones
as they rise from low chairs

sends them into the hollow
of old trumpets. So what.

You see through them with an eye,
perhaps, that has never turned in

where the water collects
around the heart.

STEPHEN DUNN

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Some 242 88 new books were published in 1970. Thirty-seven have been nominated for the 22nd Annual National Book Awards.

ARTS AND LETTERS

HAROLD BLOOM—Yeats, *Oxford University Press*
ROBERT COLES—Erik H. Erikson: The Growth of His Work, *Atlantic/Little, Brown*
NANCY MILFORD—Zelda: A Biography, *Harper & Row*
LEWIS MUMFORD—The Myth of the Machine: The Pentagon of Power, *Harcourt Brace Jovanovich*
KENNETH REXROTH—The Alternative Society, Essays from the Other World, *Herder and Herder*
FRANCIS STEEGMULLER—Cocteau, *Atlantic/Little, Brown*

CHILDREN'S BOOKS

LLOYD ALEXANDER—The Marvelous Misadventures of Sebastian, *E. P. Dutton*
VERA AND BILL CLEAVER—Grover (Illus. by Frederic Marvin), *J. B. Lippincott*
PAULA FOX—Blowfish Live in the Sea, *Bradbury Press*
ARNOLD LOBEL—Frog and Toad Are Friends (Illus. by the author), *Harper & Row*
E. B. WHITE—The Trumpet of the Swan (Illus. by Edward Frascino), *Harper & Row*

FICTION

SAUL BELLOW—Mr. Sammler's Planet, *Viking Press*
JAMES DICKEY—Deliverance, *Houghton Mifflin*
SHIRLEY HAZZARD—The Bay of Noon, *Atlantic/Little, Brown*
JOHN UPDIKE—Bech: A Book, *Alfred A. Knopf*
EUDORA WELTY—Losing Battles, *Random House*

HISTORY & BIOGRAPHY

JAMES MacGREGOR BURNS—Roosevelt: The Soldier of Freedom, *Harcourt Brace Jovanovich*
DAVID DONALD—Charles Sumner and the Rights of Man, *Alfred A. Knopf*
ANDY LOGAN—Against the Evidence: The Becker-Rosenthal Affair, *McCall Publishing Company*
DUMAS MALONE—Jefferson the President: First Term, 1801-1805, *Little, Brown*
C. L. SULZBERGER—The Last of the Giants, *Macmillan*

POETRY

GREGORY CORSO—Elegiac Feelings American, *New Directions*
W. S. MERWIN—Carrier of Ladders, *Atheneum*
MARK STRAND—Darker, *Atheneum*
MAY SWENSON—Iconographs, *Scribners*
MONA VAN DUYN—To See, To Take, *Atheneum*

THE SCIENCES

GUSTAV ECKSTEIN—The Body Has a Head, *Harper & Row*
VICTOR FERKISS—Technological Man: The Myth and the Reality, *George Braziller*
IAN L. McHARG—Design with Nature, *Natural History Press*
THEODOR ROSEBURY—Life on Man, *Viking Press*
RAYMOND PHINEAS STEARNS—Science in the British Colonies of America, *University of Illinois Press*

TRANSLATION

JOSEPH BARNES—The Fierce and Beautiful World, Stories by Andrei Platonov, *E. P. Dutton*
RICHARD HOWARD—Professional Secrets, An Autobiography of Jean Cocteau (Drawn, from his lifetime writings, by Robert Phelps), *Farrar, Straus & Giroux*
FRANK JONES—Saint Joan of the Stockyards by Bertolt Brecht, *Indiana University Press*
GREGORY RABASSA—One Hundred Years of Solitude by Gabriel García Márquez, *Harper & Row*
EDWARD G. SEIDENSTICKER—The Sound of the Mountain by Yasunari Kawabata, *Alfred A. Knopf*
NORMAN R. SHAPIRO—Four Farces by Georges Feydeau, *University of Chicago Press*

Only 7 will win.

On Thursday, March 4, the seven winners of the 1971 National Book Awards will be honored in a special ceremony at Alice Tully Hall in New York's Lincoln Center. Each will receive a prize of $1,000 in recognition of outstanding achievement.

THE 22nd ANNUAL NATIONAL BOOK AWARDS

Donors of the awards are: the American Booksellers Association, the Association of American Publishers, the Association of American University Presses, the Book Manufacturers' Institute, the Children's Book Council, and the National Association of College Stores.

mercial artists, and their aim was to succeed with a minimum of sweat. Whether the music was good or not, the act of turning it out in such quantities was hard work.

The tastes of the times limited the composer to the strictest economy of means. The ticket-buying dilettanti, and Stendhal was one of them, were interested in tunes, vocal gymnastics, and nothing else. Stendhal was particularly nervous about what he called "harmony," by which he meant whatever came out of the orchestra pit: "Should harmony attract notice on its own account, *dis*tracting our attention from the melody; or should it merely increase the effect of the melody? Personally, I confess, I favor the last solution. . . . Harmony requires *scientific knowledge.* This requirement in itself has proved fatal, for it has provided a heaven-sent excuse for all manner of fools and pedants to meddle in the art of music. . . . Proportionately as the accompaniment grows more complex, the liberty of the singer is restricted."

In these conditions, a composer did not need much equipment to put an opera together. Some melodic gift was imperative, and the purely mechanical skill of getting notes on paper. Beyond this, all he needed was the knowledge of instrumentation he could pick up in an orchestra pit and a harmonic sense as reliable as that of the second tenor in a barbershop quartet. For a composer of real talent, the restrictions must have been suffocating. In one of his few unflattering paragraphs, Stendhal says ". . . Rossini has been moving steadily in the direction of complexity. . . . Instead of delighting mankind with the charm of his natural gracefulness, he [has] preferred to threaten it with terror and apprehension. Rossini's orchestration has grown steadily more obtrusive, spoiling the melodic line of his voices."

From this book, a reader could get the impression that Rossini was a yokel. On the contrary, he was a cosmopolitan, his taste was broad. But he was writing for a remarkably simple audience, and Stendhal inadvertently makes it clear that Rome and Paris were cultural backwaters in comparison with Vienna, Leipzig or London.

A delicate question in music history is why, in the first half of the 19th century, Italy and France produced nobody of the stature of Beethoven, Schubert, Mendelssohn, Schumann, or

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even Chopin – or, with the possible exception of Berlioz, any composer of the front rank. One answer, which I cannot accept, is that Rossini, Donizetti and Bellini were in fact great artists, and that American and Northern European audiences, heavily influenced by German musical thinking, have lost their sensitivity to the form of beauty found in their operas.

Stendhal recognized a difference in temperament between the Teutons and the Latins, and used it to account for the kinds of music they wrote. Evidently he had no way of knowing that Italians, only a few generations earlier, had written music of extraordinary complexity, and that their art had grown simple to the point of inanity only in recent years. From all reports, it was a golden age of singing, but for musical composition, it was a time of decadence.

Rossini may have been a man of such genius that he could have competed with Schubert on equal terms. If this was his potential, he did not realize it. On the basis of the little we hear of his music, all we know for sure is that he was talented, elegant and sometimes witty. And that he accomplished a great deal: he made a killing in the music-writing business, and when he had made enough money he quit writing operas. He lived in respected retirement for forty years, and when he died they gave him a funeral fit for Judy Garland.

In reference to Mozart, Stendhal said, "I am strangely afraid that *he* will still be known and loved when Rossini's star has faded into dust." Posterity being as fickle as it is, the last word is never in, but of Rossini's 39 operas, the only one you are likely to hear complete is *The Barber of Seville.* Some of the overtures have retained their popularity, and quite a lot of the music is available on records. But a full-scale staging of one of Rossini's forgotten operas is as rare as the revival of *Roberta.*

The 20th century continues to cherish the romantic image of the artist as a person who puts his integrity above worldly success. It is an irony that Stendhal, whose fame was entirely posthumous, conforms to this ideal, while Rossini is the antithesis of it. If it could be said that Rossini sold his soul for fame and glory, he at least got value received. His estate, of 2,500,000 francs, was worth about a million and a half dollars, American style.

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The Johns Hopkins Press
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Stanley Weintraub: Where Guilt Abounded

Sexual Heretics: Male Homosexuality in English Literature from 1850 to 1900 Edited with an Introduction by Brian Reade

(Coward-McCann; $12.50)

Walking down the street in the colony of Massachusetts, one of Cotton Mather's parishioners was offended by the sight of a man "hideously conversing with a sow." Will this vein of sexual congress be the next to be exploited by publishers? Certainly the evidence of Brian Reade's anthology of heavy-breathing, late-Victorian literature about "the love that dares not speak its name" suggests that the homosexual well of loneliness is running dry.

From the standpoint of sociology the collection has some merit: another stone has been overturned, exposing more of the underbelly of Victorian life. The melancholy idealizations of what Walt Whitman referred to as male "adhesiveness" range in Reade's selections from circumspect comradeliness to clandestine groping. But as literature most of it fails. Such writing, to accommodate its philosophy, must take itself seriously, and the more serious and saccharine it gets, the more likely it is to provoke guffaws, especially when read aloud as High Camp. Almost alone, the mad, ambisextrous occultist Aleister Crowley managed, late in the century, some humor out of what had to be for most practitioners a morbid joy at best. "You crown me king and queen," he opened one flagrant love lyric which ends more explicitly than one would have thought possible in 1898; in another poem Crowley concocted revolting fun out of the then-fashionable predilection for bright-eyed Arab boys with dirty feet. Predictably, most pieces have an almost-proper surface, often the mourning of lover for his lad (sometimes heterosexually disguised). And guilt abounds, lovingly lingered over, the bittersweet savor of the secret life.

Purchasers expecting titillation will be disappointed to discover that after Reade's scholarly and substantial introduction they will be immediately confronted with a page of Leigh Hunt's *Autobiography* about a typical public school passion, and seven pages of Lord Tennyson's *In Memoriam*, celebrating yet another intense friendship. The only shock is the recognition that these names are attached to a study of male homosexuality as expressed from 1850 to 1900 in England. No revelations are offered. Reade suggests, rather, that given the conditions of upper-class, educated Victorian family life and schooling, suppressed or sublimated homosexuality can be read into many writings where no such interpretation was intended, and in other cases – as where there is room for real suspicion – such inferences seem to lie barely beneath the surface, providing an extra dimension of meaning. Thus Hopkins' "The Bugler's First Communion" can be read as we have long since read many of the verses about soldiers in Housman's "Shropshire Lad." Reade contends that whether or not the writer was aware of the possibility of a homosexual interpretation being placed upon his work, it is the homosexual tone that counts. There seems no question that a number of articulate Victorians managed to cultivate unsuitable emotions and express them in suitable language.

There is, however, no subterfuge in *Teleny; or the Reverse of the Medal*, an anonymous pornographic novel published under the counter by Leonard Smithers in 1893. The atmosphere of homosexual intrigue is graphic; the description of male couplings lurid; the effect probably – in its time – shocking. Oscar Wilde was once associated with it, but could not have written so badly, even had he tried. Nevertheless, the best piece in the collection, the lively *Portrait of Mr. W. H.*, is authentic Oscar. In it an affair with a boy actor named Willie Hughes is in-

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vented to explain Shakespeare's dedication of his *Sonnets*. No sentimental apologetics intrude, and the story – reproduced complete – gaily treats the might-have-been with Wilde at the top of his form.

In the Wilde-associated "Priest and the Acolyte," published in *The Chameleon*, an undergraduate underground Oxford magazine which lasted one issue, the editor (and anonymous author), John Francis Bloxam, wrote mawkishly of a priest discovered in *flagrante delictu* with a choir boy. Where Firbank would later (as in *The Eccentricities of Cardinal Pirelli*) have made ribald fun of the situation, Bloxam has the pathetic pair end in a suicide pact at the altar after "one last kiss of perfect love." Oscar (whose young friend Alfred Douglas contributed a poem, "In Praise of Shame," to *The Chameleon*) thought the story beautiful, but indignantly denied on the stand that he had written it when at his trial it was attributed to him. Read aloud today, the tremulous tale is hilarious. Bloxam became an Anglican clergyman, and published no more.

L'amour de l'impossible had its philosophers as well as its bards, some of them certified deviants, some secret ones, some timid or curious onlookers. From this group Reade samples, among others, Walter Pater's "Winckelmann" essay (1867), Richard Burton's learned "Terminal Essay" to the *Arabian Nights* (1885), John Addington Symonds' *A Problem in Modern Ethics* (1891) and Edward Carpenter's *Homogenic Love* (1894). Symonds had a particular attraction for the elect, his suggestion that inverts belonged to a sexually intermediate third sex having an emotional appeal belying biology. Carpenter – a Whitman disciple – also defended the "really human and natural love between two persons of the same sex" via the sonnets of Shakespeare and Michelangelo and the *Symposium* of Plato, while Charles Kains-Jackson wrote of the "New Chivalry" (1894) that it would be as English as it had been Greek to replace the worship of the feminine (a sign of "early and imperfect civilization") with the "exaltation of the youthful masculine ideal." Perhaps he had a point which speaks more to our age than his own when he wrote that "The time has arrived when the eternal desire for Love which nature has implanted in the breast of man requires to be satisfied without such an increase in population as has characterized the past." That desire could be fulfilled more beautifully, he argued, where there was no need for the unaesthetic "intrusion of chill precaution." Will the Heresy ever replace Vasectomy and the Pill?

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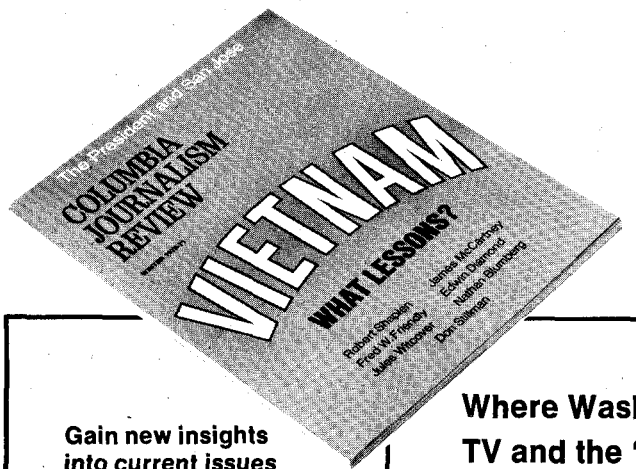

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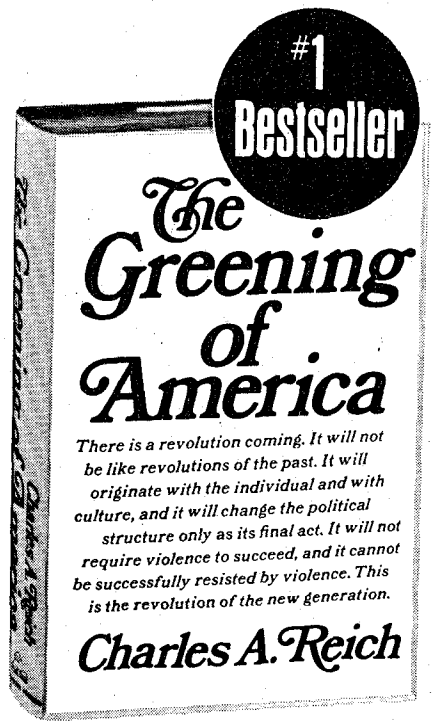
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RANDOM HOUSE

Gerald Johnson: He'll Do

Muskie
by Theo Lippman, Jr. and Donald C. Hansen
(W. W. Norton; $6.95)

This book gives the impression that the career of Senator Edmund S. Muskie in politics has been curiously similar to that of the Baltimore Colts in professional football. The Colts are notorious for being slow at the kick-off, making ghastly fumbles in the first quarter, trailing at the half, then picking up speed and coming through like a bat out of hell in the last 59 seconds of play. But on January 17, last, the Colts became the national champions.

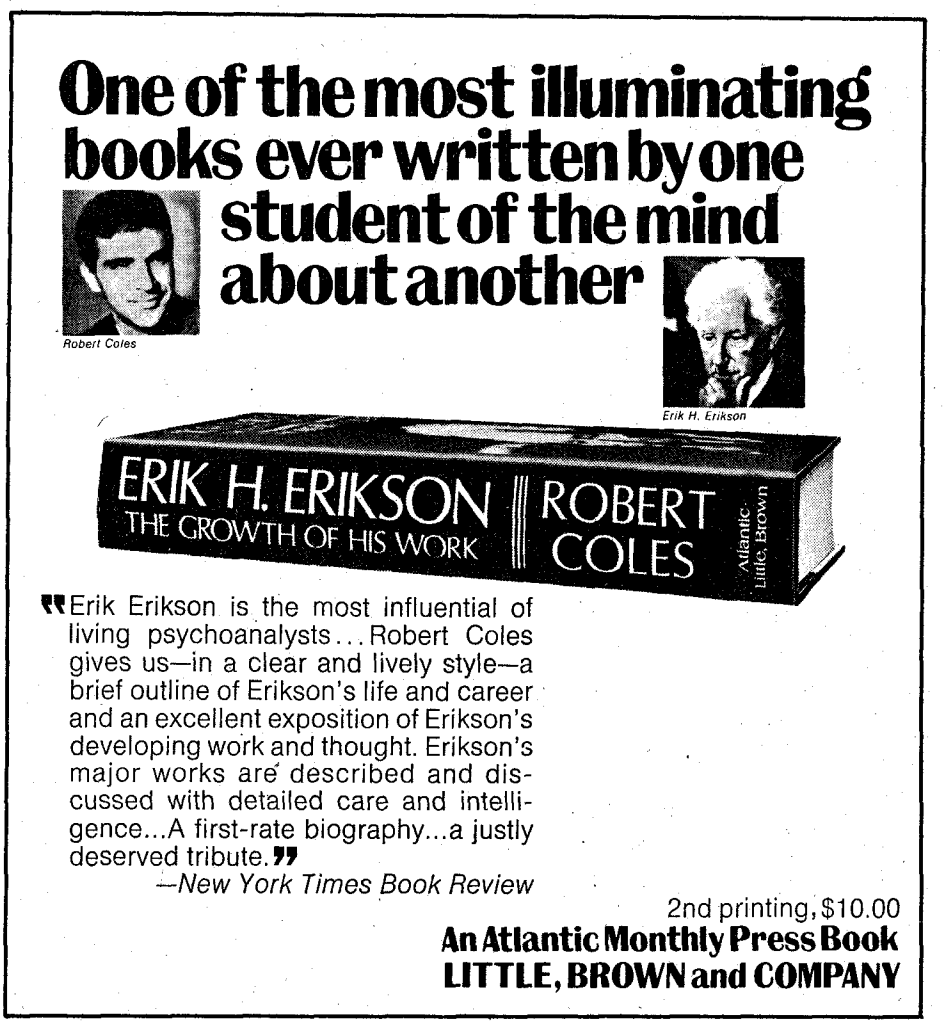
In 1968, these authors acknowledge, Senator Muskie as the Democratic candidate for Vice President, made no impression whatever until September 25, when the campaign was half over But then, speaking at a small town in Pennsylvania, he got the headlines by handling a bunch of hecklers adroitly which made the press suddenly give him some serious attention. The Democrats at that time were trailing badly and Muskie was, in football parlance, only running interference for Humphrey who was carrying ball. But all the world knows that they finally spilled Humphrey the equivalent of six inches short of the goal line.

That has been Senator Muskie's style ever since he entered politics, according to Messrs. Lippman and Hansen. It is a risky style and from the spectators' standpoint an exasperating style, but it made the Colts champions, and it is far from inconceivable that it may yet make Muskie President.

If it should happen, what will the country have? The authors cautiously avoid playing Sir Oracle, but they assert, with impressive evidence to back the assertion, that we shall have a President rather slow on the pick-up but, once he hits his stride, capable of high speed and a tremendous impact on the opposition. They present no convincing evidence that he has any fresh ideas about the great problems of government, but much evidence of his capacity to seize some other man's nebulous idea, strip away the frippery, and reveal the hard core of sense within it. That quality is doubtless less than genius, but to a President it may be more valuable, for no man can have the answers to all problems, and some, who have the answer to one, don't know it until some realist brushes away the nonsense and bares the essential.

Muskie lacks charisma. Physically, he is presentable, but no Adonis. He looks more like a President than Lincoln or Jefferson did, but much less like one than Warren G. Harding did. In short, he'll do.

As a campaign biography, this takes high rank. It is entirely non-hysterical, and by being 10 to 15 percent critical, it becomes 60 to 80 percent credible. The Muskie people can use it to good effect.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NOTES ON CONTRIBUTORS

STEPHEN DUNN *teaches creative writing at Southwest Minnesota State College.* ROBERT EVETT, *former literary editor of* The New Republic *and* The Atlantic, *is a composer.* STANLEY WEINTRAUB'S *new book,* Journey To Heartbreak, *will be published this spring by McKay.*

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Correspondence

War Measures Act

Sirs:

Roger Neville Williams ("Strong Arm Rule in Canada," January 30), alleges that "only one paper in Quebec" printed names of persons arrested under the War Measures Act and interviewed them after they had been released. Of one of the more prominent of those persons, Dr. Henri Bellemare, he alleges that "in Montreal, the English press printed nothing about him."

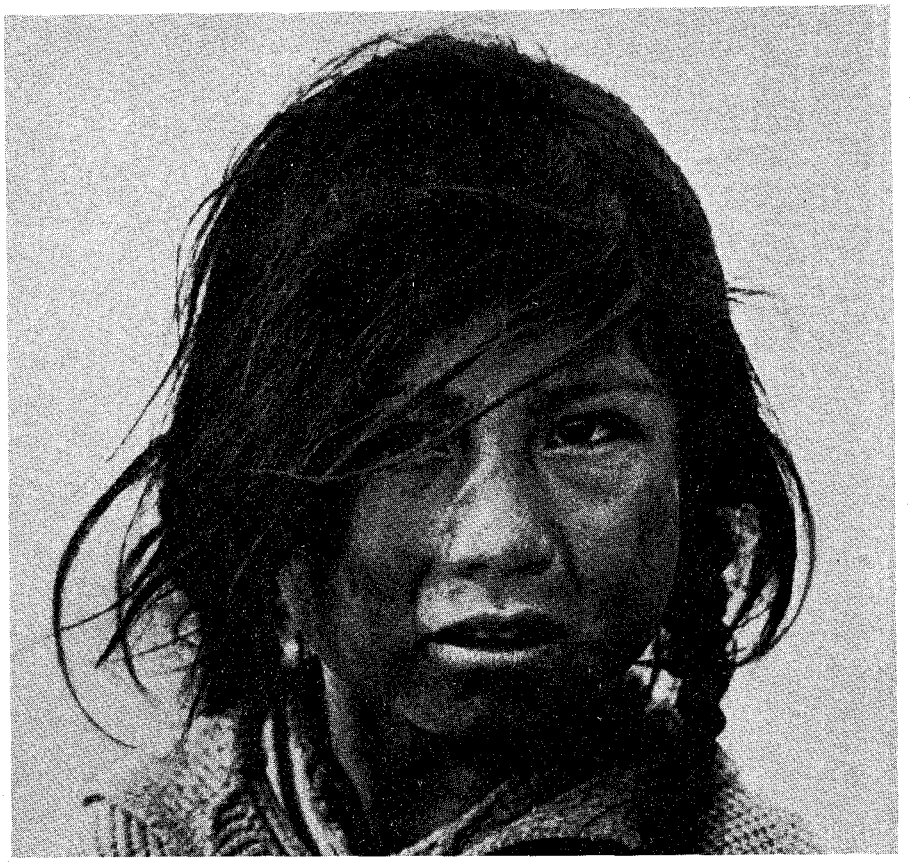
On October 16, the first day of the arrests, *The Montreal Star*, in its final edition, listed in the fourth and fifth paragraphs of its lead story the names of 10 persons arrested. The *Star* printed some of those names again on October 19. Other papers printed names. A radio station broadcast several times on October 16 an interview in which the wife of Michel Chartrand, the labor leader who was charged with seditious conspiracy, described her husband's arrest. On October 23, the day after Dr. Bellemare was released from jail, *The Gazette* of Montreal published an interview with Dr. Bellemare.

Canadian press coverage of the crisis was neither so threatened nor cowed as Mr. Williams would have your readers believe. Textual publication and broadcast of FLQ communiques were inhibited by the police, but broadcasters – some making quick and courageous decisions – and newspapers usually conveyed the sense of communiques to the public. Mr. Williams says, and I quote the sentence in full: "Editorials called for total support of the Government." That is misleading. To offer one example, on October 17, *The Globe and Mail* of Toronto, describing the War Measures Act as "drastic and dangerous," asserted that "the Government must begin immediately to find the means of lifting it."

Mr. Williams is wrong when he writes that all 453 persons arrested (the figure has since been revised to 497) were "awakened at 5 a.m. by a knock at [the] door."

His figures on unemployment in Quebec are too high. His statement that Montreal had not held an election for eight years before 1970 is wrong. One was held in 1966.

Mr. Williams cites the testimony of a suspect to show that the FLQ cell



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that kidnapped and murdered Pierre Laporte was "weak and disorganized." Perhaps, as the suspect said, they had insufficient money to pay for the take-out chicken, but Mr. Williams omits the central fact: the cell had accomplished Quebec's second political kidnapping in five days and done it with a timing that one must reluctantly concede was brilliant. This is not to disagree with Mr. Williams' contention that there was no likelihood of revolution. However, what he and many Canadian leftists conveniently overlook in their discussion of the October events is that following the second kidnapping there were reasonable grounds to fear still another, or some other terrorist act. Just as the Laporte kidnapping apparently was not part of a master plan that included the Cross kidnapping by a different group, so still other young terrorists who considered themselves part of the Front for the Liberation of Quebec might also have acted imitatively.

As an American correspondent based in Canada, I do not argue that the Canadian and Quebec governments responded in precisely the right way. I do wish to point out that there was a danger a responsible government could not ignore. I share Mr. Williams' abhorrence of police-state methods. I, too, was appalled at how easily most Canadians fell into line behind their government and approved or tolerated the suspension of civil liberties. Not a few, however, have protested and have been outraged at Prime Minister Trudeau's refusal to make known to the Canadian people all the facts – and beliefs? – on which he acted.

Edward Cowan
Toronto

Sirs:

Roger Neville Williams' article on the invocation of the War Measures Act and the subsequent enactment of the Public Order (Temporary Measures) Act in Canada contains a number of inaccuracies. First, it is not made clear that the legislation in question was and is in force throughout the country, not merely in the Province of Quebec. Second, *Logos*, the Montreal underground newspaper referred to in the article, was raided before, not after, the invocation of the War Measures Act. Third, it is not true that "all across the country, not only [in] Quebec, Canada's staunchly liberal media *censored itself* [sic]" (emphasis his). The most prominent columnist of Canada's most prominent newspaper and the editors of Canada's most widely purchased newspapers were vocal in their criticism of the government. Fourth, the New Democratic Party does not hold 15 seats in the federal parliament – it holds 23. Fifth, and most importantly, it can hardly be said that "the country . . . whose government all praised for its tolerance had suddenly, without warning, decreed a police state." Aside from the fact that the parliamentary system of government, under which our country operates, contains within it a much greater tendency toward the concentration of power in the executive branch of government than your congressional system, our federal government had given many signs before the FLQ crisis of its tendency to create the apparatus of a totalitarian state. As mere examples, it had already authorized the initiation of an RCMP computer complex akin to and linked with the FBI's National Crime Information Center, which, as you know, contains and has access to information about many things aside from criminal activity. It has sponsored legislation reforming our bail laws which provide for preventive detention. It has attempted to muzzle the Auditor-General, an official responsible to the legislature who reports on the executive's spending of the funds allocated to it. It has ignored the recommendations of a 1968 Task Force it commissioned that an informational ombudsman be created to decide whether information concerning the administration of the country's affairs should be made available to interested members of the public, and has removed the power of the courts to review its decision not to supply such information to litigants, even where such information might be the only evidence of the defense to a criminal prosecution. It continues, ignoring widespread public concern, to authorize the use of writs of assistance, which allow police to enter, search and seize without prior judicial approval. It has indicated its intention to introduce legislation shortly to allow electronic surveillance by police on the authority of members of the executive, not of the judiciary. These examples must be sufficient to indicate that the government's response to the kidnappings was unsurprising.

Leslie Katz
Ontario, Canada

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Revenue Sharing

Sirs:

Melville Ulmer's article suggesting a more rational alternative to Nixon's evenue sharing proposal ("Better Than Revenue Sharing," February 13, 1971) uggests a concept with which the Administration and the Congress hould be thoroughly familiar. What Mr. Ulmer is suggesting is that federal welfare checks to the states should be conditioned on the states' meeting two familiar welfare requirements: the means test and the work requirement. Mr. Ulmer's proposal would favor the 'worthy poor" states that are making a good faith effort to maximize income, no more than is required of the individual welfare recipient. I earnestly hope that Congress will consider the need for caseworker visits in order to assure that the recipients of unconditional grants have the fiscal responsibility required of the deserving poor. Midnight visits to the state capitols would be infinitely more productive than visits to individual households.

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Kauffmann, *from page 26*

Patagonian peasant sits before his shack, speaking with simple stateliness of the horrible past and his undimmed socialist enthusiasm. There's a scene in which the camera travels past an odd assortment of silent men waiting in a cellar, then passes a curtain on the other side of which a young whore is seated on the edge of her bed, taking her lunch-break. There's a slow 360-degree pan over the Buenos Aires rooftops, while a voice speaks of its condition and history, and the excellent photography itself underscores what is being said.

In a further effort to break the film forward *off* the screen, to keep it from being something to watch, Solanas has arranged moments where the film can be stopped and discussed. And he has left it all open-ended, so that further testimonies and interviews can be added.

The Hour of the Furnaces has been shown only clandestinely in Argentina, but openly in some other Latin-American countries and in Europe. The gifted Italian director, Marco Bellocchio, has said, "It's not a film, it's a gun." But (as he knows) it would not be a gun unless it were a film. I hope the reality of that gun will be seen in this country, and I hope against hope that it may influence our policy abroad. Time runs out.

Solanas has made a message picture with more than one message. In its force and commitment and stature, it's the best film – of any kind – that I've seen from Latin America.

Note: At press time, it's uncertain whether or not the picture will open in New York this month, but it's already booked at a number of universities.

Quotations from Fanon are featured by Solanas, and a Fanon epigraph also introduces *Ramparts of Clay*, which is about a village in southern Tunisia. (Actually shot in nearby Algeria.) It's based on a book called *Change at Shebika* by Jean Duvignaud (published here by Pantheon) who spent five years in such a village, and it has been made something in the style of Visconti's *La Terra Trema:* inhabitants of the place enact sequences fashioned on events of their lives. There are only a few professional actors, one of them a girl, Leila Schenna, who looks like a young Irene Papas.

The purpose is, basically, to show us a life style of rock and poverty, sandstorm and desert, religion and folkway. Andreas Winding's chromatically subtle camera puts it all before us adroitly and Jean-Louis Bertucelli, a director out of French television, has worked miracles of empathy with the villagers.

Bertucelli's film moves slowly, rhythmically, interestingly. The central incident is a strike by the men of the village, who work in a quarry, but the real theme is the abrasion between the hard life and the girl, who discovers that she wants to get out.

There is no travelogue feel (though the dialogue is sparse), there is a sense of entry into the dawn-to-dusk survival pattern, complete with a couple of harsh sequences about the use of animal blood – seen as the villages see it. The only questionable moment is the last shot of a helicopter. *Whose,* for heaven's sake? But the final sound of its motor closes the circle begun by the very first sound of the squeaky well-bucket pulley. And in between is a film of dignity and grace.

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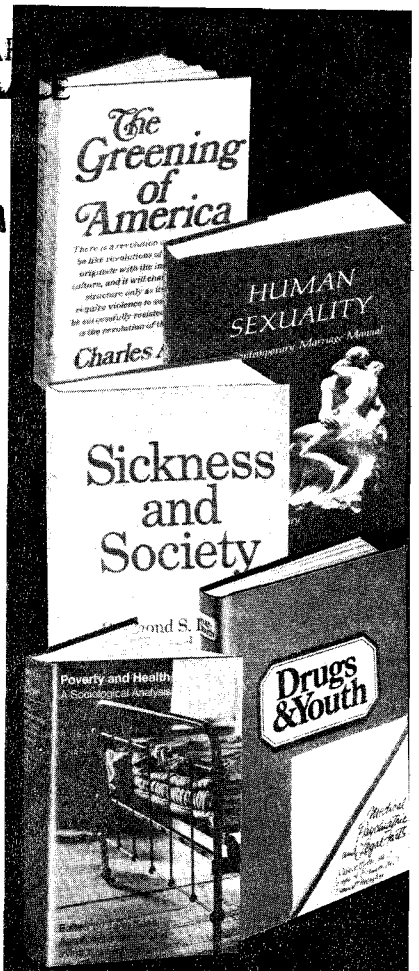

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